

UNIVERSITY OF
ILLINOIS LIBRARY
URBANA-CHAMPAIGN
BOOKSTACKS





02
0X
0

The Flinn Report

Illinois

041-207

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

January 5, 1996

Issue 1

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments for "Pay Plan" (80 Ill Adm Code 310), effective 12/22/95, to delete certain specific positions from the designated rate schedule and replace some of them with the public service administrator position and salary level. Also, DCFS Private Secretary II, DCCA Public Information Officer IV, and DMHDD Medical Administrator I (Option D) are added to the designated rate schedule. A new table is added to list negotiated salary levels for Teamsters in the Department of Natural Resources (formerly Department of Conservation). Several other classification, title and salary level changes are included that affect telecommunications, licensing quality assurance analysts, safety responsibility analysts, apparel dry goods specialists, crime scene technicians and investigators, and police officers.

Questions/requests for copies: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

UNEMPLOYMENT

The DEPARTMENT OF EMPLOY-

MENT SECURITY adopted amend-

ments to "Determination of Unemployment Contributions" (56 Ill Adm Code 2770), effective 1/1/96, to update the incorporation by reference of the U.S. Office of Management and Budget *Standard Industrial Classification Manual* to the 1987 edition. The rulemaking also adds the 1996 contribution rates for newly liable employers and repeals obsolete 1990 rates. All small businesses may be affected by this rulemaking.

Questions/requests for copies: Gregory J. Ramel, DES, 401 S. State St., 2nd Fl. S., Chicago IL 60605, 312/793-4240.

INSURANCE

The DEPARTMENT OF INSURANCE repealed "Letters of Credit" (50 Ill Adm Code 1102) and replaced it by adopting a new Part entitled "Credit for Reinsurance Ceded" (50 Ill Adm Code 1104), effective 1/1/96, to authorize domestic insurance companies to receive credit for reserves on ceded risks in an amount not exceeding the liabilities carried by the ceding insurer. Part 1102 had previously authorized domestic insurance companies to

(cont'd next page)

Proposed Regulations

GRAIN CODE

The DEPARTMENT OF AGRICULTURE proposed the repeal of 3 Parts entitled "Grain Dealers" (68 Ill Adm Code 600), "Illinois Grain Insurance Act" (8 Ill Adm Code 285), and "Public Grain Warehouse and Warehouse Receipts Act" (8 Ill Adm Code 505). In their place, DOA is proposing a new Part entitled "Grain Code" (8 Ill Adm Code 281) to implement Public Act 89-287. Topics covered include DOA licensee inspections, licensure criteria and application procedures, fees, extensions, financial statements, and license renewals. Required insurance, recordkeeping, "price later" contracts, warehouse receipts, storage capacity, failed licensees, liquidations, grain banks, and grain redeposits are also included. Small businesses affected by these rulemakings include small country elevators and feed mills.

Questions/requests for copies/comments until 2/20/96: Debbie Wakefield at the DOA address below. Two public hearings will be scheduled at a later date.

PRISON SENTENCES

The DEPARTMENT OF CORRECTIONS proposed amendments for "Records of Committed Persons" (20 Ill Adm Code 107) in response to recent Illinois Supreme Court rulings and passage of the Truth in Sentencing Law. The rulemaking provides that the

(cont'd page 4)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

receive credit for reserves on reinsured risks ceded to foreign or alien reinsurance companies not authorized to transact business in Illinois only to the extent such reserves were secured by an unconditional and irrevocable letter of credit. Topics covered include licensed and accredited reinsurers, reinsurers' trust funds, credit for reinsurance required by law, reduction from liability for reinsurance ceded to an unauthorized assuming insurer, qualified trust agreements, qualified letters of credit and other security, and contracts. Changes in this rulemaking since its proposal include adding that the letter of credit provided by the assuming insurer may be drawn upon and utilized to pay existing liabilities between the insurer and the reinsurer upon commutation of one or more reinsurance contracts.

Questions/requests for copies: Cindy Stephenson, DOI, 320 W. Washington, Springfield IL 62767-0001, 217/782-1785.

BANKING

The COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE adopted an amendment for rules entitled "Residential Mortgage License Act of 1987" (38 Ill Adm Code 1050), effective 1/1/96, to establish an examination system based upon the licensee's performance on the first full compliance on-site exam following an initial educational exam. Licensees with high ratings may take future exams by mail, and those with the lowest rating may be continuously monitored. Changes in this rulemaking since its proposal include restoring the existing text on frequency of examinations that was mistakenly stricken from the proposed amendment. Small businesses affected by this rulemaking include mortgage brokers and mortgage bankers.

Questions/requests for copies: John Arthur, CSRF, 500 E. Monroe, Ste. 800, Springfield IL 62701-1509, 217/782-6181.

SAFETY RESPONSIBILITY LAW

The OFFICE OF THE SECRETARY OF STATE adopted amendments to "Illinois Safety Responsibility Law" (92 Ill Adm Code 1070), effective 12/20/95, to delete the requirement that bankrupt depositors submit the original receipt or Affidavit for Lost Receipt before release of the depositor's security deposit. The bankruptcy document will serve to trigger the refund.

Questions/requests for copies: Mark A. Novak, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/782-5356.

STATE POLICE

The DEPARTMENT OF STATE POLICE MERIT BOARD adopted amendments to "Procedures of the Department of State Police Merit Board" (80 Ill Adm Code 150), effective 12/22/95, to require that back-pay compensation include interest at 7% per annum. The rulemaking also permits the Board to order those who make allegations or denials without reasonable cause or engage in frivolous litigation to pay the other party's reasonable expenses, including costs and reasonable attorney's fees.

Questions/requests for copies: James E. Seiber, DSPMB, 3180 Adloff Ln., Ste. 100, Springfield IL 62703, 217/786-6240.

WEIGHTS AND MEASURES

The DEPARTMENT OF AGRICULTURE adopted amendments to rules entitled "Weights and Measures Act" (8 Ill Adm Code 600), effective 1/1/96, to increase inspection and testing fees for weighing and measuring devices used in trade or commerce. Also, obsolete language concerning fuel pump inspections and certain types of calibration is repealed, and an hourly fee is added for belt conveyor scales. Small businesses and not-for-profit corporations affected by this rulemaking

include grain elevators, grocery and hardware stores, gasoline stations, and other businesses that use scales, pumps, or meters. Small municipalities that run their own inspection programs will also be affected.

AGRICULTURE

The DEPARTMENT also adopted amendments, effective 1/1/96, for "Diseased Animals" (8 Ill Adm Code 85) and "Animal Diagnostic Laboratory Act" (8 Ill Adm Code 110). Both Parts reflect that U.S. Sanitation Monitored requirements under the National Poultry Improvement Plan are now called "U.S.S. Enteritidis" requirements, and are updated to 1995 in tandem with updating auxiliary provisions. Statutory citations and departmental references are updated where necessary, and Part 85 updates U.S. Animal Health Assoc. standards to 1994. Part 85 also approves microchips for animal identification and forbids removal of ear tags or microchips to evade law enforcement. A new section is added concerning vesicular stomatitis reports for stock transported into Illinois. This section was adopted 7/10/95 by emergency rulemaking. Part 110 amends testing fees, adds and deletes tests from those performed at DOA labs, and adds a new section listing alcohol testing fees for Liquor Control Commission work.

The DEPARTMENT adopted amendments for "Equine Infectious Anemia Control" (8 Ill Adm Code 116), effective 1/1/96, to add a new section to regulate movement of equidae through livestock sales and auction markets and require a negative equine infectious anemia test unless the animal is slaughtered. A second new section prohibits falsification of veterinary inspection certificates. Changes in this rulemaking since its proposal include correcting "VS Form 1-27" to read "Equine Slaughter Certification (EIA2) form".

Proposed Regulations

health hazards. Small municipalities seeking loans to upgrade their wastewater treatment-related infrastructures are affected by this rulemaking.

Questions/requests for copies/comments until 2/20/96: Ron Drainer, EPA, 2200 Churchill Rd, Springfield IL 62794-9276, 217/782-2027.

AIR POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to "Organic Material Emission Standards and Limitations for the Chicago Area" (35 Ill Adm Code 218) and "Organic Material Emission Standards and Limitations for the Metro East Area" (35 Ill Adm Code 219). Both rulemakings repeal volatile organic emission regulations applicable to certain bakery ovens; correct labels in the vapor pressure equations; and make several nonsubstantive corrections in subsection cross-references, a federal rule citation, and typographical errors. Additionally, Part 218 clarifies the exemption of polyethylene foam packaging from certain control requirements, and Part 219 states that any equivalent alternative control plans, devices, or practices authorized by Illinois EPA shall be effective only when included in a federally enforceable permit or approved as a State Implementation Plan revision. Small businesses affected by these 2 rulemakings include coating operations, synthetic organic chemical and polymer manufacturing plants, polyethylene foam packaging operations, and bakeries.

Questions/requests for copies/comments concerning the 2 rulemakings above until 2/20/96: Dorothy Gunn or K.C. Poulos, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931;

Christina L. Archer, IEPA, PO Box 19276, Springfield IL 62794-9276, 217/524-3333.

NUCLEAR SAFETY

The DEPARTMENT OF NUCLEAR SAFETY proposed amendments to "Safe Operation of Nuclear Facility Boilers and Pressure Vessels" (32 Ill Adm Code 505) to update incorporations by reference to include the 1994 and 1995 editions of the ASME Boiler and Pressure Vessel Code for various purposes and include 1992, 1993, and 1994 addenda to The National Board Inspection Code. The incorporation of ASME automatically fired boiler standards is updated from 1988 to 1993 and their applicability broadened. Also, a new exemption for certain monitored ISI pressure vessels is added, and the current pressure vessel exemption is clarified. The rulemaking also reflects that certain liquified petroleum gas pressure vessels are now regulated under a different law. Sections are amended to allow DNS to approve alternate standards for inspection and repair of boilers and pressure vessels not constructed to ASME Code standards. Also, inspection schedules for some pressure vessels not subject to internal corrosion are changed from 3-year to 5-year cycles, and owners are given the option of submitting inspection plans coordinated with refueling outages.

Questions/requests for copies/comments until 2/20/96: Lyle J. Black, DNS, 1035 Outer Park Dr., Springfield IL 62704, 217/524-0770, TDD 217/782-6133.

HEALTH FACILITY BONDS

The Health Facilities Authority proposed amendments to "Sale of Bonds" (77 Ill Adm Code 1400) to repeal provisions concerning vari-

able fee estimates, application fees, financial feasibility costs, bond rating agency fees, printing costs, bond counsel, trustee fees, title insurance, and payment of fees and costs. The rulemaking also allows the amount of the annual fee charged to an institution that obtains Authority financing and the terms of its payment to be established by Authority resolution, while retaining an existing \$15,000 fee cap. Current rule specifies that the fee shall be equal to .025% of the outstanding principal balance of the institution's Authority financing, not to exceed the \$15,000 per year per issue cap. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those seeking Authority financing.

Questions/requests for copies/comments until 2/20/96: Mary M. McInerney at the IHFA address above.

PUBLIC HEARING

The DEPARTMENT OF REVENUE announces a public hearing for proposed amendments to rules entitled "Income Tax Act" (86 Ill Adm Code 100) that were published in the 9/15/95 *Illinois Register* at 19 Ill Reg 12966. The hearing is scheduled for 1/16/96, 9:00 a.m.-1:00 p.m., Room 9-040 of the James R. Thompson Center, 100 W. Randolph, Chicago IL. The rulemaking proposed a definition of the term "financial organization".

Questions/requests for copies: Keith Staats, DOR, Legal Services Office - Income Tax, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

New Regulations

opportunities or brokers, procedures for administrative hearings, records, service of process, violations, evidentiary matters and non-binding statements, public information, and rules of general application.

Questions/requests for copies: Michael A. Chizmar, Office of the SOS, 520 S. 2nd St., Ste. 200, Springfield IL 62701, 217/782-2256.

HEALTH CARE

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments for the following 10 Parts, effective 1/1/96, for a maximum of 150 days, and also published similar or identical proposed rulemakings in this issue of the *Illinois Register*: "Community Living Facilities Code" (77 Ill Adm Code 370), "Hospice Programs" (77 Ill Adm Code 280), "Hospital Licensing Requirements" (77 Ill Adm Code 250), "Illinois Home Health Agency Code" (77 Ill Adm Code 245), "Illinois Veterans' Homes Code" (77 Ill Adm Code 340), "Intermediate Care for the Developmentally Disabled Facilities Code" (77 Ill Adm Code 350),

"Long-Term Care Assistants and Aides Training Programs Code" (77 Ill Adm Code 395), "Long-Term Care for Under Age 22 Facilities Code" (77 Ill Adm Code 390), "Sheltered Care Facilities Code" (77 Ill Adm Code 330), and "Skilled Nursing and Intermediate Care Facilities Code" (77 Ill Adm Code 300). The rulemakings implement The Health Care Worker Background Check Act, which requires criminal history background checks, beginning 1/1/96, for certain health care workers seeking employment and requires such checks for existing health care employees, beginning 1/1/97. The new law prohibits persons who have been convicted of serious crimes from employment in positions involving direct care of patients or residents. Topics covered include definitions, the list of criminal offenses that bar employment, reliance upon Uniform Conviction Information Act (UCIA) criminal history record checks, fingerprinting, waivers, exceptions, report accessibility, and record retention. Additionally, Part 390 references developmental disabilities aide training and registration requirements, and Part 395 adds further details concerning long-term care assistant training programs. Part 250 adds a new

section that requires each hospital to have an agreement with its federally designated organ procurement agency providing for agency notification when potential organ donors become available. Access to medical records of deceased patients by organ procurement agencies or tissue banks is allowed for certain specified purposes. The rulemaking also permits hospitals located in counties with fewer than 3 million inhabitants to seek DPH approval to conduct their operations from multiple locations within a county under one license. Approval criteria are specified. Small businesses, small municipalities, and not-for-profit corporations affected by the 10 rulemakings above include county nursing homes and health departments, home health agencies, community living facilities, hospice programs, long-term care facilities, and hospitals.

Questions/requests for copies/comments concerning the proposed rulemakings until 2/20/96: Gail M. DeVito, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187.

Proposed Regulations

amount of good conduct credits applied to determinate sentences for offenses committed on or after 8/20/95 will vary based upon the type of offense. No meritorious good time shall be applicable to certain specified offenses, and violent juvenile offenders are added to habitual juvenile offenders in the category of those not eligible for meritorious good time. A new provision is also added to make certain persons convicted of offenses committed between 9/10/90 and 8/10/93 eligible to receive good

conduct credits at the rate of .25 a day when they achieve specific educational goals.

Questions/requests for copies/comments until 2/20/96: Donald N. Snyder, Jr., DoC, 1301 Concordia Ct., PO Box 19277, Springfield IL 62794-9277, 217/522-2666, ext. 2082.

WATER TREATMENT

The ENVIRONMENTAL PROTECTION AGENCY proposed amending

"Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works" (35 Ill Adm Code 366) to incorporate by reference 1990 Census data and apply that data to calculation of the potential financial impact of wastewater improvements. An area's designation as a certified City by DCCA is removed as a factor in evaluation of a proposal's economic benefit, and reference to DPH's annual Health Hazard List is replaced with a more general reference to public

New Regulations

DOA also adopted amendments to rules entitled "Illinois Dead Animal Disposal Act" (8 Ill Adm Code 90) and "Animal Welfare Act" (8 Ill Adm Code 25), effective 1/1/96. A new section in Part 90 allows landfill disposal of a dead animal if specified transportation requirements are met. Also, swine are added to the animals that may be composted on farms. Changes in this Part since its proposal include correcting the formula for determining impervious soil to "permeability equal to or less than 1×10^{-7} cm/sec.", prohibiting use of sawdust in composting, deleting shredded newspapers from the carbon source list, and defining the agronomic rate. Part 25 requires waste storage containers and specifies compliance with local zoning. References to the federal Animal Welfare Act are updated, and pounds are relabeled "animal control facilities". Two new sections concern guard and sentry dog services and use of foster homes by licensed animal shelters.

Small businesses, small municipalities, and not-for-profit corporations affected by the 5 rulemakings above include animal shelters or control facilities, guard or sentry dog services, law enforcement agencies, fire departments, veterinarians, farmers, landfill operators, bovine producers, laboratories, livestock and equidae producers and markets, swine producers and dealers, slaughter houses, interstate animal shippers, and the poultry industry.

Questions/requests for copies of the 6 rulemakings above: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

HEALTH FACILITIES AUTHORITY

The ILLINOIS HEALTH FACILITIES AUTHORITY adopted amendments, effective 12/26/95, to "Public Information, Rule Making and Organization" (2 Ill Adm Code 1900) and "Access to Information" (2 Ill Adm Code 1901) to update citations and addresses and to

change the schedule for updating the rules from every two years to an "as necessary" basis.

Questions/requests for copies: Mary M. McInerney, IHFA, 180 N. Stetson Ave., Ste 1100, Chicago IL 60601, 312/861-4445, TDD 312/861-4456.

HUMAN RIGHTS

The HUMAN RIGHTS COMMISSION adopted emergency amendments to "Procedural Rules" (56 Ill Adm Code 5300), and the DEPARTMENT OF HUMAN RIGHTS also adopted emergency amendments to rules entitled "Procedural" (56 Ill Adm Code 2520), effective 1/1/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register* for Part 5300. A companion proposed rulemaking for Part 2520 appeared in the 11/13/95 *Illinois Register*. These amendments implement Public Acts 89-348 and 89-370, which made extensive changes to the Human Rights Act and required amending procedural rules. Part 5300 amendments relate to simplified alternative hearing procedures, third-party subpoenas, Departmental authority to amend a complaint, service of amended complaints, objections to non-party subpoenas, motions for summary decisions, exceptions to a recommended order and decision, and interlocutory appeals. Also, procedure for obtaining discovery is governed by Commission rule rather than by the Code of Civil Procedure. DHR's amendments to Part 2520 include changes in the definitions and dismissal sections, as well as the addition of 7 new sections relative to requests for review when charges have been dismissed or a notice of default issued by the Department's director. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those subject to the Human Rights Act.

Questions/requests for copies/comments concerning the proposed rulemaking until 2/20/96: Gail M.

Bradshaw, HRC, 100 W. Randolph St., Ste. 5-100, Chicago IL 60601-3219, 312/814-6269 regarding Part 5300 and David T. Rothal, DHR, 100 W. Randolph St., Ste 10-100, Chicago IL 60601, 312/814-6242, TDD 312/263-1579 regarding Part 2520.

SEX OFFENDER REGISTRATION

The DEPARTMENT OF STATE POLICE adopted emergency amendments to rules entitled "Sex Offender Registration Act" (20 Ill Adm Code 1280), effective 1/1/96, for a maximum of 150 days, to add several qualifying offenses and include all sex offenders regardless of the victim's age. Also included is a sex offender notification form, which provides notification to convicted sex offenders regarding their responsibilities under the Act. The form also includes descriptive information necessary to identify the person registering. Additionally, use of the Law Enforcement Agencies Data System (LEADS) for recordkeeping is required. An identical proposed rulemaking appears in this issue of the *Illinois Register*. Small municipalities will be affected by these rulemakings through the impact upon law enforcement agencies.

Questions/requests for copies/comments concerning the proposed rulemaking until 2/20/96: James W. Redlich, DSP, 102 Armory Bldg., PO Box 19461, Springfield IL 62794-9461, 217/782-7658.

BUSINESS

The SECRETARY OF STATE adopted 3 new Parts by emergency rulemaking entitled "Regulations Under the Business Opportunity Sales Law of 1995" (14 Ill Adm Code 135), "Regulations Under the Illinois Business Brokers Act of 1995" (14 Ill Adm Code 140), and "Regulations Under the Illinois Loan Brokers Act of 1995" (14 Ill Adm Code 145), effective 1/1/96, for a maximum of 150 days. Topics covered in these rulemakings include definitions, exemptions, registration of business

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 1/23/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

STATE BOARD OF EDUCATION

"School Technology Program" (23 Ill Adm Code 575) proposed 10/6/95 (19 Ill Reg 13701)

Repeal of "Efficient and Adequate Standards for the Building Specifications for the Construction of Schools" (23 Ill Adm Code 175) proposed 10/13/95 (19 Ill Reg 14162)

Repeal of "Building Specifications for Health and Safety in Public Schools" (23 Ill Adm Code 185) proposed 10/13/95 (19 Ill Reg 13996)

ILLINOIS COMMERCE COMMISSION

Repeal of "Standards of Service Applicable to 9-1-1 Emergency Systems (General Order 207)" (83 Ill Adm Code 725) proposed 10/6/95 (19 Ill Reg 13663)

"Standards of Service Applicable to 9-1-1 Emergency Systems" (83 Ill Adm Code 725) proposed 10/6/95 (19 Ill Reg 13632)

IL INDUSTRIAL COMMISSION

"Insurance Regulations" (50 Ill Adm Code 7100) proposed 6/16/95 (19 Ill Reg 7770)

"Arbitration" (50 Ill Adm Code 7030) proposed 6/16/95 (19 Ill Reg 7764)

"Arbitration" (50 Ill Adm Code 7030) proposed 9/8/95 (19 Ill Reg 12569)

"Pre-Arbitration" (50 Ill Adm Code 7020) proposed 9/8/95 (19 Ill Reg 12577)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 11153 - JANUARY 1995 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
JAN 21 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

January 12, 1996

Issue 2

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

WATER POLLUTION

The ENVIRONMENTAL PROTECTION AGENCY adopted amendments to "Procedures for Issuing Loans from the Water Pollution Control Revolving Fund" (35 Ill Adm Code 365), effective 1/1/96, to add a loan support rate to the interest rate charged for loans under the program. The revenue collected through the support rate will be used to cover program administrative costs. The rulemaking also decreases the amount of required reporting and establishes the initiation date for loan repayment as part of the negotiated loan agreement. Concerning determination of allowable costs, land acquisition and sewage collection systems are added to the ineligible costs list, and other amendments are made. Those affected by this rulemaking include small municipalities.

Questions/requests for copies: Ron Drainer, EPA, 2200 Churchill Rd., Springfield IL 62794-9276, 217/782-2027.

AUDIT INVESTIGATIONS

The OFFICE OF THE AUDITOR

GENERAL adopted amendments, effective 1/31/96, to "Code of Regulations" (74 Ill Adm Code 420) and "Code of Rules" (74 Ill Adm Code 440). Amendments to Part 420 clarify persons to whom an investigation notice and investigatory reports must be given; broaden standards for delegation of investigatory authority; shorten agency response time to audit findings and recommendations; and update audit scope and standards to requirements of the Illinois State Auditing Act, generally accepted government auditing standards, and other applicable requirements. The rulemaking also deletes a specific list of agencies required to have yearly financial or compliance audits and provides additional procedures for maintenance of information. Part 440 amendments change provisions for delegation of contracting authority, contractor selection, document signatures, and payment of witness fees and mileage for responding to a subpoena.

Questions/requests for copies of the 2 rulemakings above: Rebecca Patton, 740 E. Ash St., Springfield IL 62703, 217/782-6698, TDD 217/524-4646, FAX 217/785-8222.

(cont'd next page)

Proposed Regulations

GAS TAX

The DEPARTMENT OF REVENUE proposed amending "Gas Revenue Tax" (86 Ill Adm Code 470) to implement Public Act 89-417, which creates an exemption to the tax imposed by the Gas Revenue Tax Act. Beginning with charges billed on and after 1/1/96, any charge for gas or gas services to a customer who acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before 3/1/95, except for charges related solely to local public utility gas distribution, would not be subject to the tax. Small businesses, small municipalities, and not-for-profit corporations subject to the Gas Revenue Tax Act may be affected by this rulemaking.

Questions/requests for copies/comments until 2/26/96: Terry D. Charlton, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

LABOR RELATIONS BOARDS

The ILLINOIS STATE AND LOCAL LABOR RELATIONS BOARDS proposed amendments to the following 5 Parts: "Freedom of Information" (2 Ill Adm Code 2501), "General Procedures" (80 Ill Adm Code 1200), "Public Information, Rulemaking and Organization" (2 Ill Adm Code 2500), "Representation Proceedings" (80 Ill

(cont'd page 4)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

SP: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

COMPTROLLER

The COMPTROLLER MERIT COMMISSION adopted amendments to "Merit Commission Rules" (80 Ill Adm Code 100), effective 12/26/95, to replace the requirement for filing a notice of intent to appeal the allocation of a position to a class. The amendment requires that the appeal itself be filed within 15 days after receipt of the Director's decision on reconsideration.

Questions/requests for copies: Marylou Lowder Kent, Comptroller Merit Commission, 325 W. Adams St., Springfield IL 62704, 217/785-1127.

BOATING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to "Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030), effective 12/27/95, to restrict watercraft on Griswold Lake in McHenry County to motors of 10 horsepower or less.

HUNTING

The DEPARTMENT also adopted amendments, effective 12/27/95, to "Duck, Goose and Coot Hunting" (17 Ill Adm Code 590) and "The Taking of Wild Turkeys-Spring Season" (17 Ill Adm Code 710). Part 590 amendments specify 1996 season dates, add 13 open counties, and amend the lists of sites where statewide or site-specific regulations apply. Criteria are listed for preference in the computerized permit drawing, also. Part 710 amendments eliminate tagging requirements for Canada geese in excess of twice the daily bag limit and add statewide and site-specific regulations regarding goose seasons that occur after Canada goose season. The rulemaking also establishes permit requirements for recording a third Canada goose on the goose permit required in the Northern and Central Illinois quota zones.

RELOCATION ASSISTANCE

In separate action, DNR adopted a new Part entitled "Relocation Assistance and Payments Program" (17 Ill Adm Code 2575), effective 12/27/95, to incorporate federal regulations for relocating persons, businesses, farms, and nonprofit organizations displaced by State acquisition of land for certain conservation projects. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those businesses and organizations needing relocation services and the communities in which they are located.

Questions/requests for copies of the 4 rulemakings above: Jack Price, DNR, 524 S. 2nd St., Rm. 130, Springfield IL 62701-1787, 217/782-1809.

INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to "Credit Accident and Health Insurance" (50 Ill Adm Code 952), effective 1/2/96, to add definitions and a requirement that if coverage for credit accident and health insurance is contingent upon the insured person working a minimum amount of hours during a specific time, then the insurance application must contain a question eliciting the number of hours the insured person works during the specified time period. Changes in this rulemaking since its proposal include clarifying that the specified time frame is one week and requiring that the policy or statement certificate state the minimum number of hours that must be worked per week.

Questions/requests for copies: Mike Teer, DOI, 320 W. Washington, Springfield IL 62767-0001, 217/785-6441.

LIQUOR CONTROL

The ILLINOIS LIQUOR CONTROL COMMISSION adopted amendments to rules entitled "The Illinois Liquor Control Commission" (11 Ill Adm Code 100), effective 1/2/96, to clarify that no

licensee shall advertise in violation of State laws or regulations; eliminate the prohibition of advertisements referring to alcoholic content; include non-resident dealer in sections mandating how a manufacturer labels and seals alcoholic products; require that at least one person eligible to be issued and sign the application for a liquor license be at least 18 years of age; and allow pre-mixed alcoholic beverages to be brand-specific. The amendments also permit any retail licensee to set up credit card payment; clarify that retail licensees are prohibited from purchasing alcohol from other retail licensees; allow common storage of alcoholic liquor for multi-use facilities if all premises have the same Illinois business sales tax number; prohibit giving away alcoholic liquor for commercial purposes, except for sampling and test marketing; prohibit the use of words such as "free" or "complimentary" in advertising; include alcoholic liquor sealed and labeled by a nonresident dealer, as well as a manufacturer; and clarify allowable advertising and promotional sponsorships. Changes in this rulemaking since its proposal include withdrawing proposed language referring to out-of-state, liquor-related law; recognizing that "identification cards" issued by retail licensees, rather than "restaurant credit cards," are deemed equivalent to bank checks or drafts when obtaining alcoholic liquor; disallowing central purchasing of alcoholic liquor by multi-use facilities; and removing the proposed language relative to advertising by not-for-profit licensees. Small businesses affected by this rulemaking include holders, agents or representatives of licenses issued by the Commission.

Questions/requests for copies: Arabel Alva Rosales, Illinois Liquor Control Commission, 100 W. Randolph St., Ste. 5-300, Chicago IL 60601, 312/814-3930.

VOTER REGISTRATION

The DEPARTMENT OF PUBLIC AID adopted amendments for "Rights and

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 1/23/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF AGRICULTURE

"Bees and Apiary Act" (8 Ill Adm Code 60) proposed 1/27/95 (19 Ill Reg 754)

DEPARTMENT OF PUBLIC AID

"Aid to Families with Dependent Children" (89 Ill Adm Code 112) proposed 10/13/95 (19 Ill Reg 14292)

SECRETARY OF STATE

"The Illinois Library System Act" (23 Ill Adm Code 3030) proposed 10/13/95 (19 Ill Reg 14412)

New Regulations

requirement that the reviewer/litigator make a written recommendation of disposition to the Director within 90 days of the commencement of the informal review period. Also the charge for hearing decisions has been reduced from \$50 to \$25 per floppy disk. Small businesses affected by this rulemaking include attorneys and those who avail themselves of the Department's hearing procedures.

Questions/requests for copies: Richard L. Ryan, DOR, 100 W. Randolph, Level 7, Chicago IL 60601, 312/814-3070.

JUVENILE DELINQUENTS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted a new Part entitled "Transfer of Violent Juvenile Offenders to the Department of Corrections" (89 Ill Adm Code 312) by emergency rulemaking, effective 12/29/95, for a maximum of

150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemaking creates an interagency review committee to decide whether to recommend to the court that a delinquent youth who is age 10 through 17 and under DCFS guardianship be placed in a Department of Corrections facility. Topics covered include committee membership and meeting procedures, certification by DOC that a transfer is "appropriate", record confidentiality, and committee voting procedures.

FOSTER CARE PAYMENTS

The DEPARTMENT also adopted emergency amendments to "Relative Home Placement" (89 Ill Adm Code 335), effective 12/29/95, for a maximum of 150 days, to change the automatic repeal date for this Part from 1/1/96 to 12/31/96. An identical proposed rulemaking appears in this issue of the *Illinois Register*. DCFS is currently under court order to continue paying foster

care rates to approved relative caregivers who are in the process of applying for foster family home licensure although this rulemaking specifies a 9/30/95 or earlier payment termination date. According to the Department, retaining this rule enables DCFS to continue to claim federal monies for the approved relatives until licensure decisions are finalized and administrative appeals exhausted even though the rule text does not reflect the court's directive.

Questions/requests for copies/comments concerning the 2 proposed rulemakings until 2/26/96: Jacqueline Nottingham, DCFS, 406 E. Monroe St., Station 222, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715. A public hearing on the Part 312 proposed rulemaking will be announced in next week's issue of the *Illinois Register*.

Proposed Regulations

Adm Code 1210), and "Unfair Labor Practice Proceedings" (80 Ill Adm Code 1220). Part 2500 and 2501 amendments reflect that separate staffs for the 2 boards have been combined and Chicago board offices relocated. Part 2501 also adds investigative files concerning objections to elections and materials relating to Board litigation to the list of records considered confidential and ex-

empt from disclosure to the public. Part 1200 prohibits indefinite hearing continuances and clarifies the acceptable maximum length for briefs. Part 1210 amends adjudication of representation and decertification petitions and specifies that intermediate rulings of an administrative law judge shall not be subject to interlocutory appeal. Part 1220 amendments state that failure to file a timely answer shall

be deemed admission of both material facts and legal conclusions, and failure to file an answer shall be cause for proceeding termination and entry of a default order.

Questions/requests for copies/comments until 2/26/96: Lydia Mills Wendt, ISLRB, 320 W. Washington, Ste. 500, Springfield IL 62701, 217/785-3155.

New Regulations

Responsibilities" (89 Ill Adm Code 102), effective 12/29/95. Identical emergency amendments were adopted 8/14/95. The rulemaking implements the National Voter Registration Act of 1993 (NVRA) for federal elections only and is in addition to current registration provisions contained in the Illinois Election Code. Amendments require that each applicant for assistance or recertification of food stamp benefits be afforded the opportunity to register to vote if over age 18 and present at the eligibility interview. Topics covered include prohibiting DPA staff from seeking to influence an applicant's political preference or party registration, displaying political preference or party allegiance, making any statement or taking any action to discourage an applicant from registering to vote, or making any statement or taking any action to lead an applicant to believe that a decision to register or not to register to vote will affect the availability of assistance. Changes in this rulemaking since its proposal include requiring DPA to allow clients the opportunity to register to vote at face-to-face redeterminations of benefits, as well as when applying for assistance and at each recertification of food stamp benefits. Small municipalities affected by this rulemaking include those whose election authorities, including county clerks and boards of election commissioners, will incur increased administrative costs for NVRA implementation.

PUBLIC AID

The DEPARTMENT also adopted amendments to "Aid to Families with Dependent Children" (89 Ill Adm Code 112), effective 1/1/96. An identical emergency rulemaking was adopted 8/7/95. The rulemaking implements the Adolescent Parent Program (APP) as a 4-year demonstration project requiring pregnant or parenting individuals under age 16 to participate in Teen Parent Initiative/Young Parent Services under the Job Opportunities and Basic Skills Training Program (JOBS) in order to obtain a high school diploma or prepare for work. The mandatory

participation requirements are the same as those for older parents in the JOBS program.

In separate action, the DEPARTMENT adopted amendments to "Aid to the Aged, Blind or Disabled" (89 Ill Adm Code 113), effective 12/29/95, to establish procedures for diverting a client's non-SSI income to meet the needs of an ineligible dependent spouse or ineligible dependent children under age 21.

The DEPARTMENT also adopted amendments, effective 1/1/96, to "Demonstration Programs" (89 Ill Adm Code 170) and "Related Program Provisions" (89 Ill Adm Code 117) to amend a pilot truancy prevention program that was adopted 6/8/95. The Part 170 rulemaking states that the demonstration program will be available statewide where schools and social service networks are willing to participate, and the program is designed for children in grades 1-6 who receive AFDC and are not regularly attending school. If a family fails to cooperate with its service plan designed to eliminate truancy, its social service network representative will be designated the protective payee for the family's AFDC grant. Further truancy would lead to sanctions. Changes in Part 170 since its proposal include requiring social service networks to be specifically equipped to address the causes of truancy at no cost to the family other than normal co-payment under existing programs and permitting sanctions during the months of June, July and August in the case of year-around schools. Part 117 amendments add truancy to the list of reasons for which a protective payment plan may be initiated by DPA. Changes in this rulemaking since its proposal include permitting certain private welfare and social service agencies to be designated as protective payees.

Questions/requests for copies of the 5 rulemakings above: Judy Umunna, DPA, 100 S. Grand Ave. E., 3rd FL.,

Springfield IL 62762, 217/524-3215.

HOSPITAL REPORTS

DPA also adopted amendments to "Hospital Services" (89 Ill Adm Code 148), effective 12/29/95, to conform to federal regulations by requiring hospital Medicare cost report filing within 150 days after the close of the provider's fiscal year, rather than the current 90-day requirement. Granting of due date extensions by DPA is also eliminated. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate hospitals.

Questions/requests for copies: Joanne Jones at the DPA address above.

REVENUE HEARINGS

The DEPARTMENT OF REVENUE adopted amendments to "Practice and Procedure for Hearings before the Illinois Department of Revenue" (86 Ill Adm Code 200), effective 1/1/96, to restructure the Department's hearing procedures and establish the Office of Administrative Hearings. DOR administrative law judges report to the DOR director or the director's designee, and a requirement that an administrative law judge be a DOR employee is stricken. Litigators shall be special assistant attorneys general who are employed in DOR's Office of Legal Services. New sections are added concerning hearing office locations, settlements, office dispositions, motions, withdrawal of representation, the administrative record, filing procedures, judge disqualification, ex parte communications, and equal application of regulations. Changes in this rulemaking since its proposal include clarification that pretrial proceedings do not include status calls or conferences held as part of the informal review process; specifying that administrative law judges shall not be designated as informal reviewers; clarifying that an offer of settlement may be discussed during the informal review period; and the addition of a

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY THE AUTHORITY OF THE STATE OF ILLINOIS - LPU ORDER 11179 - 1/96 - 825 COPIES - COPYRIGHT 1991 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
FEB 02 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

78.03
26x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

January 19, 1996

Issue 3

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

RADIOACTIVE WASTE

The DEPARTMENT OF NUCLEAR SAFETY adopted a new Part entitled "Volunteered Location(s) Procedures for Selecting a Site for the Development of a Low-Level Radioactive Waste Disposal Facility" (32 Ill Adm Code 610), effective 1/8/96. The rulemaking establishes procedures whereby DNS will accept a land owner's or local government's volunteered land for consideration as a low-level radioactive waste disposal facility site. Topics covered include definitions, written proposals, and time-lines for submittal. Changes in this rulemaking since its proposal include requiring the Department to notify the owner of the land before any studies are conducted on land that is volunteered by a unit of local government and allowing land to be considered no later than 60 days (rather than 45) after the publication of the criteria. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those desiring to volunteer a facility site.

Questions/requests for copies: Thomas J. Carlisle, DNS, 1035 Outer Park

Dr., Springfield IL 62704, 217/785-9884, TDD 217/782-6133.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted amendments to "Assistance Standards" (89 Ill Adm Code 111) and "Child Support Enforcement" (89 Ill Adm Code 160), effective 1/5/96. Part 111 amendments increase assistance payments by 2.9% to reflect a 2.9% increase in the Consumer Price Index during FY95. Part 160 amendments specify the procedure that will be followed to certify past-due support to the Department of Revenue for collection. Topics covered include standards for DOR referral, prior notice to the responsible relative, repayment plans, redeterminations, and overpayments.

PUBLIC AID VENDORS

The DEPARTMENT also adopted, effective 12/29/95, amendments to "Medical Payment" (89 Ill Adm Code 140) and "Practice in Administrative Hearings" (89 Ill Adm Code 104). Part 140 amendments provide for suspension of a vendor's eligibility to

(cont'd next page)

BATHING BEACHES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Swimming Pool and Bathing Beach Code" (77 Ill Adm Code 820) to amend or add 14 standards applicable to bathing beach construction and operation. Topics covered include water quality, toilet facilities, water depths, management personnel, bather density/sq.ft., schistosome dermatitis, garbage containers, safety equipment that includes a telephone, infant attire, required posting of regulations, and prohibited swimming times. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those operating bathing beaches.

Questions/requests for copies/comments until 3/4/96: Gail DeVito, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187.


COMMUNITY BLOCK GRANTS

The DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS proposed amendments to "State Administration of the Federal Community Development Block Grant Program for Small Cities" (47 Ill Adm Code 110). Five new sections are added concerning application evaluation for competitive planning assistance, architectural barrier removal, public facility construction and design, and housing rehabilitation. A program component

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

 : Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

participate in the Medical Assistance Program for non-compliance with State income tax requirements, child support payments, or repayment of educational loans guaranteed by the Illinois State Scholarship Commission. Part 104 amendments add hearings to determine whether a medical vendor is in compliance with State income tax requirements, child support requirements of Article X of the Public Aid Code, or educational loans guaranteed by the Illinois State Scholarship Commission. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include Medical Assistance Program

providers.

Questions/requests for copies of the 4 rulemakings above: Judy Umunna (Parts 111 and 160) or Joanne Jones (Parts 140 and 104), DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-3215.

DCCA GRANTS AND LOANS

The DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS adopted amendments for "Public Infrastructure Loan and Grant Programs" (14 Ill Adm Code 610), effective 1/5/96, to

increase the repayment period for small project loans from 3 to 10 years. The rulemaking also deletes certification that a community has a multi-year improvement program from the application for grant and loan assistance. Small municipalities and not-for-profit corporations affected by this rulemaking include local governments, public entities, medical facilities, and public health clinics seeking loans or grants under the DCCA program.

Questions/requests for copies: Brenda Lee Yager at the DCCA address below.

Proposed Regulations

designed to help small businesses access low interest fixed-rate financing is repealed, and grantee administrative requirements are amended. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include any that wish to apply for program grants.

Questions/requests for copies/comments until 3/4/96: Brenda Lee Yager, DCCA, 620 E. Adams St., 5th Fl., Springfield IL 62701, 217/785-6174, TDD 217/785-6055.

FORESTRY GRANTS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments for "Urban and Community Forestry Grant Program" (17 Ill Adm Code 1538) to specify that units of local government, rather than only municipalities, are eligible for grants and to include Illinois chartered not-for-profit corporations as co-applicants with such units of local government. The amendments also cap single grants at 5% of the fiscal year grant program total or 20% for multi-community projects. Geographic location is added to grant criteria, and reference to grants from unobligated funds is deleted. Small municipalities and not-for-profit corpo-

rations affected by this rulemaking include those seeking grants under the DNR forestry program.

Questions/requests for copies/comments until 3/4/96: Jack Price, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

PHYSICAL THERAPIST LICENSURE

The DEPARTMENT OF PROFESSIONAL REGULATION proposed amendments for rules entitled "Illinois Physical Therapy Act" (68 Ill Adm Code 1340) to reflect statutory changes that became effective 1/1/96. Amendments repeal obsolete grandfathering provisions and add requirements for licensing graduates of physical therapy or physical therapy assistant programs outside the U.S.A. or its territories. Language proficiency testing requirements are added for those whose first language is not English. The rulemaking also provides for approval of an applicant's physical therapy curriculum rather than individual school programs, and accreditation by the Commission on Accreditation in Physical Therapy Education will be accepted as meeting DPR minimum licensure standards. For applicants whose licenses have lapsed 6 to 10

years, clinical training and continuing education hours are increased to 160 and 20 from 80 and 10 respectively. For licenses lapsed 10 years or more, training hours change from 160 and 20 to 320 and 40. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those employing physical therapists or physical therapy assistants and include physical therapy education providers.

LAND SURVEYOR LICENSURE

The DEPARTMENT proposed amending rules entitled "Illinois Professional Land Surveyor Act of 1989" (68 Ill Adm Code 1270) to add an appendix that lists rules for the perpetuation of monuments under the Land Survey Monuments Act. Requirements for presenting and recording monument records are specified. Small businesses, small municipalities, and not-for-profit corporations that employ licensed land surveyors may be affected by this rulemaking.

NAPRAPATHIC PRACTICE

DPR also proposed a new Part entitled "Naprathic Practice Act" (68 Ill Adm Code 1295) to license naprathic.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The 2 Department of Public Health rulemakings will be considered at the 1/23/96 meeting, and the Pollution Control Board and Illinois Gaming Board rulemakings will be considered at the 2/20/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF PUBLIC HEALTH

"Food Service Sanitation Code" (77 Ill Adm Code 750) proposed 9/29/95 (19 Ill Reg 13498)

"Retail Food Store Sanitation Code" (77 Ill Adm Code 760) proposed 9/29/95 (19 Ill Reg 13520)

POLLUTION CONTROL BOARD

"Special Waste Hauling" (35 Ill Adm Code 809) proposed 9/22/95 (19 Ill Reg 13182)

ILLINOIS GAMING BOARD

"Riverboat Gambling" (86 Ill Adm Code 3000) proposed 6/9/95 (19 Ill Reg 7490)

Proposed Regulations

Comments should reference Docket R95-22.

RULES CORRECTION

The DEPARTMENT OF PUBLIC HEALTH has requested that JCAR approve an expedited correction for amendments to "Newborn Metabolic Screening and Treatment Code" (77 Ill Adm Code 661) that were adopted in the 11/17/95 *Illinois Register* and became effective 11/1/95. A previously repealed sentence was inadvertently included in the proposed and adopted amendments.

Questions/requests for copies: Gail DeVito at the DPH address above.

DCFS PUBLIC HEARINGS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES announces two public hearings on amendments to "Service Delivered by the Department" (89 Ill Adm Code 302) that was proposed in the 12/15/95 *Illinois Register* (19 Ill Reg 16338). Identical emergency rules are in

effect. The amendments redefine the requirements necessary to be considered a child with special needs and establish a new method of calculating the amount of ongoing monthly adoption assistance that takes into account the specific circumstances of the adoptive parents and the special needs of the child being adopted. The amendments implement Public Act 89-21, which establishes an adoption assistance ongoing monthly rate at least \$25 less than the monthly cost of care in a licensed foster home. The first hearing will be 1/24/96, 2:00-4:00 p.m. at the Child Welfare Training Institute, 227 S. 7th St., Springfield IL. A second hearing is scheduled for 1/25/96, 2:00-4:00 p.m. at 100 W. Randolph, Ste. 9-903, Chicago IL. Contact Jacqueline Nottingham at the address below for more information.

DCFS has also scheduled two public hearings on a new Part entitled "Transfer of Violent Juvenile Offenders to the Department of Corrections" (89 Ill Adm Code 312) that was proposed in last week's *Illinois Register* at 20 Ill Reg 924. Identical emergency rules are

currently in effect. The rulemaking creates an interagency review committee to decide whether to recommend to the court that a delinquent youth who is age 10 through 17 and under DCFS guardianship be placed in a Department of Corrections facility. Topics covered include committee membership and meeting procedures, certification by DOC that a transfer is "appropriate", record confidentiality, and committee voting procedures. The first hearing will be 1/24/96, 9 to noon at the Springfield address above. The second hearing will be 1/26/96, 9 to noon at the Chicago address above.

Questions/requests for copies/hearing procedures: Jacqueline Nottingham, DCFS, Office of Rules and Procedures, 406 E. Monroe, Station #222, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715.

Proposed Regulations

Naprapathic practice means the evaluation of persons with connective tissue disorders and treatment of such persons through connective tissue manipulation; therapeutic and rehabilitative exercise; postural or nutritional counseling; and use of cold, light, water, radiant energy, electricity, sound, air or assistive devices. Topics covered include licensure application, grandfathering, program approval, examination, endorsement, inactive status, license renewal or restoration, and variances. Small businesses, small municipalities, and not-for-profit corporations that provide naprapathic services may be affected by this rulemaking.

Questions/requests for copies/comments concerning the 3 rulemakings above until 3/4/96: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0800, FAX 217/782-7645.

MEDICAL ASSISTANCE

The DEPARTMENT OF PUBLIC AID proposed amendments to "Medical Payment" (89 Ill Adm Code 140) and "Medical Assistance Programs" (89 Ill Adm Code 120). Part 140 amendments allow non-nursing staff from the Bureau of Long Term Care to give post-payment approval of nursing facility bed reserves. Such approval is currently made by professional nurses. Part 120 amendments change the Medical Assistance-No Grant (MANG) budgeting process by dropping cents from each unearned income payment amount, adding multipliers for weekly and bi-weekly payments, and averaging self-employment income over the previous year. The amount of certain earned or unearned income exempted when calculating MANG (AABD) is raised from \$7.50 to \$25, and the earned income disregard for MANG(C) is set at \$90/month. A section that defines payment levels for MANG is repealed. Small businesses, small municipalities, and not-for-profit corporations affected by the Part 140 rulemaking include nursing facilities.

Questions/requests for copies/comments concerning the 2 proposed rulemakings above until 3/4/96: Judy Umunna at the DPA address above.

HORSE RACING

The ILLINOIS RACING BOARD proposed amending "Licensing" (11 Ill Adm Code 502) to allow trainers to perform farrier work on their own horses. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those employing horse trainers or farriers.

Questions/requests for copies/comments until 3/4/96: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-5070.

STATE EMPLOYEE TRAVEL

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments for "Travel" (80 Ill Adm Code 2800) and "The Travel Regulation Council" (80 Ill Adm Code 3000). Part 2800 amendments clarify that exceptions to the travel rules must be approved by the Chairman of the Governor's Travel Control Board rather than the Director of DCMS. Part 3000 amendments allow the State to defer any mileage reimbursement rate change to the beginning of the next fiscal year rather than becoming effective when rates are changed by the federal government. Filing dates for forms indicating an employee's headquarters are changed, also.

Questions/requests for copies/comments concerning the 2 rulemakings above until 3/4/96: Stephen W. Seiple, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/782-9669.

ELECTRIC UTILITIES

The ILLINOIS COMMERCE COMMISSION proposed a new section for "Effect of Adoption of Least-cost Plans" (83 Ill Adm Code 441) to provide that in proceedings other than the one

in which a least-cost plan is adopted, a Commission order approving the plan shall constitute prima facie evidence of the prudence of the decisions made and actions taken by the utility through the date of plan approval and subsequent actions and decisions to implement the plan.

Questions/requests for copies/comments until 3/4/96: Donna M. Caton, ICC, 527 E. Capitol Ave., Springfield IL 62706, 217/782-7434.

RADIOACTIVE WASTE

The DEPARTMENT OF NUCLEAR SAFETY proposed amendments to "Licensing Requirements for Land Disposal of Radioactive Waste" (32 Ill Adm Code 601) to include structures in the definition of "land disposal facility" and require that technical information provided pertaining to site suitability include a description of a quality assurance program tailored to low-level radioactive waste (LLW) disposal.

Questions/requests for copies/comments until 3/4/96: Valerie A. Puccini, DNS, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9880, TDD 217/782-6133.

POLLUTION CONTROL

The POLLUTION CONTROL BOARD proposed amendments to "Permits" (35 Ill Adm Code 309), "Pretreatment Programs" (35 Ill Adm Code 310) and "Sewer Discharge Criteria" (35 Ill Adm Code 307) to adopt the amendments to the pretreatment regulations adopted by the U.S. EPA between 1/1/95 and 6/30/95. Small businesses affected by these rulemakings include industries disposing of industrial wastewaters into sewage collection systems of publicly-owned treatment works.

Questions: Diane O'Neill (312/814-6062). Requests for copies/comments until 3/4/96: Dorothy Gunn, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931.

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 11295 - JANUARY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY

FEB 13 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

802
26x

The Flinn Report

Doc.

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

January 26, 1996

Issue 4

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

Proposed Regulations

New Regulations

FOSTER FAMILY HOMES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES has adopted a new Part entitled "Appeal of Foster Family License Denials by Relative Caregivers" (89 Ill Adm Code 338), effective 1/10/96, to replace emergency rules adopted 8/11/95. The new Part establishes the internal review and administrative hearing process for relative caregivers providing full-time care to children for whom DCFS is legally responsible who are denied a foster family home license. Topics covered include definitions, who may appeal and what may be appealed, internal review, hearing procedures, final administrative decisions, transition provisions, and over-payment recoupment.

ADOPTIONS

DCFS adopted an amendment for "Licensing Standards for Foster Family Homes" (89 Ill Adm Code 402), effective 1/10/96. An identical emergency rulemaking was adopted 7/1/95. The rulemaking reflects a recent statutory change that allows relatives to adopt children related to them without first being licensed as a foster

family home. The amendment requires such licensure only for adoption of unrelated children.

JUVENILE DELINQUENTS

The DEPARTMENT also adopted amendments to "Access to and Eligibility for Child Welfare Services" (89 Ill Adm Code 304), effective 1/10/96. An identical emergency rulemaking was adopted 7/1/95. The rulemaking allows DCFS to transfer custody of a delinquent minor age 10 or older to the Department of Corrections following determination by an interagency review committee that DCFS lacks adequate facilities for care and rehabilitation of the minor. Also, no court is allowed to place in the custody or care of DCFS a minor age 13 or older who is charged with a criminal offense or adjudicated delinquent. (For a related proposed rulemaking, see the Department of Corrections rulemaking in this issue.)

Questions/requests for copies of the 3 rulemakings above: Jacqueline Nottingham, DCFS, 406 E. Monroe, Station #222, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715.

(cont'd next page)

SECURE YOUTH FACILITIES

The DEPARTMENT OF CORRECTIONS proposed a new Part entitled "Secure Residential Care Facility" (20 Ill Adm Code 801) to replace a similar emergency rulemaking concerning emergency licensure that went into effect 12/7/95. These rules establish procedures for licensure and standards for operation of secure residential youth care facilities by any person, group, corporation, or entity other than a DOC facility. Such facilities will provide a secure residential setting for the care, treatment and custody of certain youth 18 years old or under who have been adjudicated delinquent and transferred to DOC custody. Topics covered include definitions, variances, licensure requirements, permits, complaint procedures, admission and release policies, staff training, physical plant, discipline, health care, and recordkeeping. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those planning to operate secure residential youth care facilities. (For a related adopted rulemaking, see the DCFS rulemaking in this issue.)

Questions/requests for copies/comments until 3/11/96: Donald N. Snyder, Jr., DOC, 1301 Concordia Ct., PO Box 19277, Springfield IL 62679-9277, 217/522-2666, ex. 2082.

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

FOOD STAMPS

The DEPARTMENT OF PUBLIC AID adopted an amendment for rules entitled "Food Stamps" (89 Ill Adm Code 121), effective 1/11/96, to require adults who receive food stamps and who volunteer or are court ordered to participate, unless exempt, in food stamp employment and training activities, including Earnfare. The rulemaking also recognizes that individuals who are not food stamp assistance recipients may now be ordered by a court to participate in the Earnfare component if they are noncustodial parents of AFDC children. The rulemaking specifies that a \$50 payment to the custodial parent will be deducted from such individual's Earnfare assistance and caps Earnfare at \$231. If unable or unwilling to participate in the work component, the individual will be referred back to the court. The rulemaking also establishes the priority order for participation of local governmental units outside of Chicago in the Earnfare component.

Questions/requests for copies: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-3215.

AGRICULTURE

The DEPARTMENT OF AGRICULTURE amended, effective 1/12/96, rules entitled "Swine Disease Control and Eradication Act" (8 Ill Adm Code 105), "Animal Control Act" (8 Ill Adm Code 30), "Illinois Pseudorabies Control Act" (8 Ill Adm Code 115), and "Swine Brucellosis" (8 Ill Adm Code 100). All 4 Parts delete references to the former Division of Animal Industries within DOA. Parts 100, 105, and 115 also update statutory citations and incorporations by reference of federal regulations. Part 105 and 115 additionally update to 1995 the pseudorabies and brucellosis eradication standards incorporated from the

U.S. Animal Health Assoc. Part 105 thereby changes one of the health certificate options for breeding swine entering Illinois from origin in a brucellosis-free "area" to origin in a brucellosis-free "state".

The DEPARTMENT also adopted amendments for "Hatcheries, Poultry Flocks, and Produce Thereof" (8 Ill Adm Code 55), effective 1/12/96, to reflect that U.S. Sanitation Monitored requirements under the National Poultry Improvement Plan are now called "U.S.S. Enteritidis" requirements, and are updated to 1995 in tandem with updating auxiliary provisions. Statutory citations and departmental references are updated where necessary.

DOA adopted amendments, effective 1/12/96, to "Livestock Dealer Licensing" (68 Ill Adm Code 610) and "Feeder Swine Dealer Licensing" (68 Ill Adm Code 590) to add what information shall be required on licensure applications. Additionally, Part 590 requires that slaughter animals be kept separate from breeding or feeding swine, and Part 610 deletes an obsolete reference to "downer" cows and corrects a reference to squamous cell carcinoma.

The DEPARTMENT adopted amendments, effective 1/12/96, for "Definitions" (8 Ill Adm Code 20), "Livestock Auction Markets" (8 Ill Adm Code 40), and "Bovine Brucellosis" (8 Ill Adm Code 75). Part 20 amends "infected animal" to require classification by a state or federal epidemiologist, validates a "health certificate" for 30 days with exceptions for livestock exhibition, adds "animal and animal products investigator" to the term "state inspector", updates reference to the federal regulations for market cattle brucellosis testing, and changes "feeder or feeding swine" from swine under 6 months of age to under 4 months. Part 40 amendments allow feeder swine consigned from the farm

of origin directly to a federally-approved market to be tagged immediately upon arrival at the market. Part 75 updates incorporation of federal and U.S. Animal Health Assoc. brucellosis tests, lowers the retesting age for vaccinated dairy cattle, allows use of microchips for animal identification, and adds a brucellosis test exception for certain cattle.

Questions/requests for copies of the 10 rulemakings above: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-7513, FAX 217/785-4505.

COMMUNITY CARE

The DEPARTMENT ON AGING adopted an amendment to "Community Care Program" (89 Ill Adm Code 240), effective 1/10/96. An identical emergency amendment was adopted 8/25/95. This rulemaking revises the method of scoring the Determination of Need (DON) form that is used to calculate an individual's need for long-term care. Community Care Program (CCP) applicants' and clients' mental impairments will be considered in the scoring, and points will be added for a judicial finding of disability or incompetence, Alzheimer's disease, organic brain syndrome, dementia, or certification by a physician or psychiatrist that 24-hour care is required.

Questions/requests for copies: Pamela W. Balmer, DoA, 421 E. Capitol Ave., #100, Springfield IL 62701-1789, 217/785-3346.

CHILD SUPPORT ENFORCEMENT

The DEPARTMENT OF REVENUE adopted amendments to "Income Tax" (86 Ill Adm Code 100) by emergency rulemaking, effective 1/9/96, for a maximum of 150 days. Identical proposed amendments appear in this issue of the *Illinois Register*. These rulemakings permit the Department to use all collection methods authorized

New Regulations

for the collection of delinquent personal income tax liability to also collect certain child support arrearages certified to the Department by DPA.

Questions/requests for copies/comments concerning the proposed rulemaking until 3/11/96: Keith Staats, DOR, Legal Services Bureau, 101 W. Jefferson, Springfield IL 62708, 217/782-7055.

MOTOR VEHICLE REVIEW BOARD

The OFFICE OF THE SECRETARY OF STATE adopted amendments to

"Procedures and Standards" (92 Ill Adm Code 1001) by emergency rulemaking, effective 1/15/96, for a maximum of 150 days. Identical proposed amendments appear in this issue of the *Illinois Register*. These rulemakings establish the procedures and standards to be followed by the Motor Vehicle Review Board, including the hearing procedures to be followed upon receipt of notices of protest from complaining dealers against manufacturers or distributors. Topics covered include formal administrative hearings, Illinois safety responsibility hearings, and rules on the conduct of informal

hearings in driver's license suspensions and revocations. Small businesses affected by these rulemakings include auto dealers, franchisees, and distributors.

Questions/requests for copies/comments concerning the proposed rulemaking until 3/11/96: Jay L. Mesi, Office of the Secretary of State, Department of Administrative Hearings, 200 Howlett Bldg., Springfield IL 62756, 217/785-8237.

Proposed Regulations

WATER POLLUTION

The POLLUTION CONTROL BOARD proposed amendments for "Water Quality Standards" (35 Ill Adm Code 302) to change the water quality standards for lead and mercury. The rulemaking lowers allowable acute levels of lead and mercury and adds a standard for chronic levels of lead and mercury, according to PCB.

Questions/requests for copies/comments until 3/11/96: Dorothy Gunn, Clerk, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931, or Diane O'Neill at 312/814-6062.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID proposed amendments to "Aid to Families with Dependent Children" (89 Ill Adm Code 112) to specify that teen parents age 16 and 17 are not exempt from JOBS program participation due to full-time school attendance if they have not received a high school diploma or GED. These parents are required to participate in the Teen Parent Initiative/Young Parent Services program unless they qualify for a different exemption.

DPA also proposed amending "Medical Payment" (89 Ill Adm Code 140) to establish the Recipient Eligibility Verification (REV) System. The system will offer computerized Medicaid eligibility and claims history information through contractors to medical services providers (subscribers) who contract to participate. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include enrolled medical services providers who contract to participate in the REV System.

Questions/requests for copies/comments concerning the 2 rulemakings above until 3/11/96: Judy Umunna (Part 112) or Joanne Jones (Part 140) at the DPA address above.

HORSE RACING

The ILLINOIS RACING BOARD proposed the repeal of "Special Purse and Reward Fund" (11 Ill Adm Code 410) to reflect provisions of Public Act 89-16 that abolished this fund.

Questions/requests for copies/comments until 3/11/96: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-2600.

PUBLIC HEARING

The DEPARTMENT OF AGRICULTURE announces a public hearing concerning a new Part entitled "Grain Code" (8 Ill Adm Code 281) that was proposed in the 1/5/96 issue of the *Illinois Register*. The rulemaking implements Public Act 89-287 and covers DOA licensee inspections, licensure criteria and application procedures, fees, extensions, financial statements, and license renewals. Required insurance, recordkeeping, "price later" contracts, warehouse receipts, storage capacity, failed licensees, liquidations, grain banks, and grain redeposits are also included. Small businesses affected by this rulemaking include small country elevators and feed mills. Hearings are scheduled for 2/1/96, 1:30 p.m. at Sauk Valley Community College, Rm. 2K2, 173 Ill. Rte. 2, Dixon and for 2/6/96, 9:00 a.m. at the DOA Building, State Fairgrounds, 8th and Sangamon, Springfield.

Questions/requests for copies: Debbie Wakefield, DOA, PO Box 19281, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

JCAR Meeting Action

At its 1/23/96 meeting, JCAR issued one objection to the emergency rulemaking below.

DEPARTMENT OF PUBLIC HEALTH

The Joint Committee on Administrative Rules objected to the Department of Public Health's emergency rulemaking

entitled "Hospice Programs" (77 Ill Adm Code 280) because, by including a cross-reference to a nonexistent Sec-

tion, the rule is confusing and misleading.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 2/20/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF CORRECTIONS

"Public Relations" (20 Ill Adm Code 103) proposed 11/17/95 (19 Ill Reg 15567)

DEPARTMENT OF PUBLIC AID

"Specialized Health Care Delivery Systems" (89 Ill Adm Code 146) proposed 10/20/95 (19 Ill Reg 14533)

DEPARTMENT OF HUMAN RIGHTS

"Procedural" (56 Ill Adm Code 2520) proposed 11/13/95 (19 Ill Reg 15319)

EMPLOYMENT SECURITY

"Payment of Unemployment Contributions, Interest and Penalties" (56 Ill Adm Code 2765) proposed 12/1/95 (19 Ill Reg 15879)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

"Data Collection" (77 Ill Adm Code 2510) proposed 11/27/95 (19 Ill Reg 15779)

OFFICE OF THE STATE FIRE MARSHAL

"Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances" (41 Ill Adm Code 170) proposed 11/3/95 (19 Ill Reg 15125)

"Storage, Transportation, Sale and Use of Gasoline and Volatile Oils" (41 Ill Adm Code 180) proposed 11/3/95 (19 Ill Reg 15139)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS LEGISLATIVE PRINTING UNIT ORDER 11386 - JANUARY 1996
825 COPIES - COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
FEB 20 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

5.02
60x

The Flinn Report

DOC

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

February 2, 1996

Issue 5

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

SANITATION CODES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments, effective 1/20/96, for "Food Service Sanitation Code" (77 Ill Adm Code 750) and "Retail Food Store Sanitation Code" (77 Ill Adm Code 760). Both Parts add new sections concerning required minimum food temperature and holding time for cooking pork, game, comminuted fish and meats, and injected meats; oven parameters required for pathogen destruction on roast beef and corned beef and their minimum holding times; and microwave cooking methods. The rulemakings also require shellfish repacker or reshipper identification on a container tag and invoice retention for 90 days. Also, food must be thawed, and milk and milk products stored, at 41° rather than 45° F, except that refrigeration units unable to maintain a 41° F temperature may continue to be used until 1/1/2006, provided the product temperature is maintained at 45° F. Alternative cooking temperatures designed to provide an equivalent heat lethality are allowed for cooking potentially hazardous foods. Microwave cooking temperature requirements and cooling

time-temperature requirements have been added, and certain changes specified in the rules will not be effective until 7/1/96 in order to make the necessary changes and allow time to educate the regulated entities, food handlers, local health department sanitarians and others. Additional amendments specify that notice be given in certain ways that raw or undercooked foods pose an increased health risk to food service customers. Other changes in these rulemakings since their proposal include adding definitions for "ready-to-eat food", "comminuted meat", and "injected meat" and providing for the least possible manual contact with exposed ready-to-eat food. Small businesses affected by these rulemakings include food service establishments and retail food stores.

Questions/requests for copies of the 2 rulemakings above: Gail M. DeVito, DPH, Division of Governmental Affairs, 535 W. Jefferson, Springfield IL 62761, 217/782-6187.

MINING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments (cont'd next page)

Proposed Regulations

PRISONS

The DEPARTMENT OF CORRECTIONS proposed amending "Rights and Privileges" (20 Ill Adm Code 525) to allow visitors to wear certain religious headgear; clarify rules for clergy visitation; define "deputy director"; and specify that adult division outgoing privileged mail shall be (and juvenile mail may be) checked using an x-ray, fluoroscope, or similar device. Such mail will not be opened except in the committed person's presence in an emergency. The rulemaking also includes additional regulations concerning telephone privileges and adds "legitimate penological interests" to the reasons that a committed person's request to marry may be denied.

Questions/requests for copies/comments until 3/18/96: Donald N. Snyder, Jr., DOC, 1301 Concordia Ct., PO Box 19277, Springfield IL 62794-9277, 217/522-2666, ex. 2082.

ARCHITECTURE

The ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION proposed amendments to "Illinois Architecture Practice Act of 1989" (68 Ill Adm Code 1150) to require that licensure applicants utilize the National Council of Architectural Registration Boards or an equivalent recordkeeping entity to collect, evaluate, and certify all training data and records. Currently, applicants may keep their own records.

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

to the following 23 Parts that were originally proposed under the Department of Mines and Minerals, now DNR: "Administrative and Judicial Review" (62 Ill Adm Code 1847), "Areas Designated by Act of Congress" (62 Ill Adm Code 1761), "Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations" (62 Ill Adm Code 1800), "Civil Penalties" (62 Ill Adm Code 1845), "Department Inspections" (62 Ill Adm Code 1840), "General" (62 Ill Adm Code 1700), "General Definitions" (62 Ill Adm Code 1701), "General Rules Relating to Procedure and Practice" (62 Ill Adm Code 1848), "Permanent Program Performance Standards--Underground Mining Operations" (62 Ill Adm Code 1817), "Permanent Program Performance Standards-Surface Mining Activities" (62 Ill Adm Code 1816), "Permit Applications--Minimum Requirements for Legal, Financial, Compliance, and Related Information" (62 Ill Adm Code 1778), "Requirements for Coal Exploration" (62 Ill Adm Code 1772), "Requirements for Permits and Permit Processing" (62 Ill Adm Code 1773), "Requirements for Permits for Special Categories of Mining" (62 Ill Adm Code 1785), "Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights" (62 Ill Adm Code 1774), "Small Operator Assistance" (62 Ill Adm Code

1795), "Special Permanent Program Performance Standards--Operations on High Capability Lands" (62 Ill Adm Code 1825), "State Enforcement" (62 Ill Adm Code 1843), "Surface Mining Permit Application--Minimum Requirements for Reclamation and Operation Plan" (62 Ill Adm Code 1780), "Surface Mining Permit Applications--Minimum Requirements for Information on Environmental Resources" (62 Ill Adm Code 1779), "Training, Examination and Certification of Blasters" (62 Ill Adm Code 1850), "Underground Mining Permit Applications--Minimum Requirements for Reclamation and Operation Plan" (62 Ill Adm Code 1784). Topics covered include federal Office of Surface Mining Reclamation and Enforcement updated requirements, hearing procedures, planned subsidence, letters of credit, civil penalties, inspection decisions, terminating M&M jurisdiction, definitions, backfilling, siltation, revegetation, compaction, wetlands, erosion, coal exploration, permits, reclamation plans, blaster examinations, and public comment. Chapter headings have been changed from the Department of Mines and Minerals to the Department of Natural Resources. Other changes in Part 1816 and 1817

since their proposal include conforming the rules to federal standards for augmentation of wetlands revegetation through fertilization. Revegetation of contiguous lands subjected to minor disturbances such as posting of signs, boreholes, power poles, etc., can be demonstrated by the soil being returned to its original capability and supporting its approved post-mining land use.

Questions/requests for copies of the 23 rulemakings above: Karen Jacobs, DNR, 300 W. Jefferson, Ste. 300, Springfield IL 62791-0137, 217/785-0356.

FOOD STAMPS

The DEPARTMENT OF PUBLIC AID adopted amendments to "Food Stamps" (89 Ill Adm Code 121) by peremptory rulemaking, effective 1/17/96, to increase maximum monthly coupon allotments by increasing the gross and net income eligibility standards, the standard deduction, the shelter costs deduction and the shelter standard for homeless households.

Questions/requests for copies: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-3215.

Proposed Regulations

The rulemaking also amends professional training requirements, adds limited liability companies to the list of those who issue construction documents with an architect's seal, and adds engineering systems coordination to the design and construction documents category for approved diversified professional training. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those employing licensed architects.

Questions/requests for copies/comments until 3/18/96: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0800, FAX 217/782-7645.

BUSINESS

The SECRETARY OF STATE proposed amendments for rules entitled "Business Corporation Act" (14 Ill Adm Code 150), "General Not For Profit Corporations" (14 Ill Adm Code 160),

"Limited Liability Company Act" (14 Ill Adm Code 178), "Revised Uniform Limited Partnership Act" (14 Ill Adm Code 170), and "Uniform Commercial Code" (14 Ill Adm Code 180) to update statutory citations and SOS addresses. Additionally, Part 150 amends the price and available formats for corporate information, clarifies certain terms, and adds professional boxing and wrestling to the list of professional corporations. Part 160 increases the abstract of

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 2/20/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF REVENUE

"Retailers' Occupation Tax" (86 Ill Adm Code 130) proposed 10/13/95 (19 Ill Reg 14336)

"Retailers' Occupation Tax" (86 Ill Adm Code 130) proposed 10/20/95 (19 Ill Reg 14752)

"Service Occupation Tax" (86 Ill Adm Code 140) proposed 10/20/95 (19 Ill Reg 14765)

DEPARTMENT OF PUBLIC AID

"Medical Payment" (89 Ill Adm Code 140) proposed 10/20/95 (19 Ill Reg 14530)

DEPARTMENT OF PROFESSIONAL REGULATION

"Clinical Social Work and Social Work Practice Act" (68 Ill Adm Code 1470) proposed 12/1/95 (19 Ill Reg 16015)

Proposed Regulations

the Department of Conservation to the Department of Natural Resources, allow the Department to charge for walk-in or backpack campsites that have access to showers, and charge the same rate for youth and adult groups at Dixon Springs and Pere Marquette.

Questions/requests for copies/comments until 3/18/96: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

INSURANCE AND SURETY

The CAPITAL DEVELOPMENT BOARD proposed the repeal of "Insurance and Surety Companies" (44 Ill Adm Code 1050). The Board plans to replace the repealed rules later with contract provisions setting requirements for bonds and insurance. Small businesses affected by this rulemaking include small bonding and insurance brokerage firms and construction contractors.

Questions/requests for copies/comments until 3/18/96: Claire Gibson, CDB, 3rd Fl., Stratton Bldg., Springfield IL 62706, 217/782-2864.

RULE CORRECTION

The ILLINOIS LIQUOR CONTROL COMMISSION requested an expedited correction for rules

entitled "The Illinois Liquor Control Commission" (11 Ill Adm Code 100) that were adopted 1/12/96. A Second Notice error in the definition of "sampling" needs correction.

Questions/requests for copies: Arabel Alva Rosales, ILCC, 100 W. Randolph, Ste. 5-300, Chicago IL 60601, 312/814-3930.

PUBLIC HEARINGS

The DEPARTMENT OF CORRECTIONS announces two public hearings on a new Part entitled "Secure Residential Youth Care Facilities" (20 Ill Adm Code 801) that was proposed in the 1/26/96 issue of the *Illinois Register*. These rules establish procedures for licensure and standards for operation of secure residential youth care facilities by any person, group, corporation, or entity other than a DOC facility. Such facilities will provide a secure residential setting for the care, treatment and custody of certain youth 18 years old or under who have been adjudicated delinquent and transferred to DOC custody. Topics covered include definitions, variances, licensure requirements, permits, complaint procedures, admission and release policies, staff training, physical plant, discipline, health care, and recordkeeping. Hearings are scheduled for 2/7/96, 9:30 a.m. registration and 10:00-11:30 a.m. hearing, Gateway Center,

Marquette Room, 1 Gateway Drive at intersection of I-55 and Rte. 57, Collinsville IL; and for 2/15/96, 9:30 a.m. registration, 10:00-11:30 a.m. hearing, E.J. (Zeke) Giorgi Center, Lower Level Auditorium, State of Illinois Bldg., 200 S. Wyman St. (downtown), Rockford IL. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those planning to operate secure residential youth care facilities.

Questions/requests for copies: Donald N. Snyder, Jr., DOC, 1301 Concordia Ct., PO Box 19277, Springfield IL 62794-9277, 217/522-2666, ex. 2082.

The DEPARTMENT OF LABOR announces two public fact-finding hearings concerning rules entitled "Six Day Week Law" (56 Ill Adm Code 220) as part of its process of reviewing and updating its rules under the One Day Rest in Seven Act. Hearings are scheduled for 2/29/96, 10:00 a.m. at 160 North LaSalle St., Rm. N-502, Chicago and for 3/8/96, 10:00 a.m. at the Illinois State Library, 300 S. 2nd St., Rm. 403, Springfield.

Questions/requests for copies: Scott D. Miller, IDOL, 160 N. LaSalle, Ste. C-1300, Chicago IL 60601, 312/793-1805.

Proposed Regulations

corporate record fee and allows some fees to be paid by personal check. Part 178 amends procedures whereby foreign limited liability companies are admitted to transact business in Illinois. Part 170 adds a new section concerning interrogatories, and Part 180 specifies that Uniform Commercial Code weekly updates shall be available through modem access only rather than through computer tapes. Small businesses and not-for-profit corporations affected by these rulemakings include those coming under the provisions of the acts cited above or those desiring to purchase information from the Uniform Commercial Code.

Questions/requests for copies/comments concerning the 5 rulemakings above until 3/18/96: Dale Reynolds, SOS, 328 Howlett Bldg., Springfield IL 62756, 217/782-9524.

STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed amendments to the following 15 Parts: "College Savings Bond Bonus Incentive Grant (BIG) Program" (23 Ill Adm Code 2771), "David A. DeBolt Teacher Shortage Scholarship Program" (23 Ill Adm Code 2764), "Federal Family Education Loan Program (FFELP)" (23 Ill Adm Code 2720), "General Provisions" (23 Ill Adm Code 2700), "Illinois National Guard Grant Program" (23 Ill Adm Code 2730), "Illinois Special Education Teacher Tuition Waiver Program" (23 Ill Adm Code 2765), "Illinois Veteran Grant (IVG) Program" (23 Ill Adm Code 2733), "Limitation, Suspension and Termination Proceedings" (23 Ill Adm Code 2790), "Merit Recognition Scholarship (MRS) Program" (23 Ill Adm Code 2761), "Minority Teachers of Illinois (MIT) Scholarship Program" (23 Ill Adm Code 2763), "Monetary Award Program (MAP)" (23 Ill Adm Code 2735), "Paul Douglas Teacher Scholarship Program" (23 Ill Adm Code 2762), "Robert C. Byrd Honors Scholarship

Program" (23 Ill Adm Code 2755), "State Scholar Program" (23 Ill Adm Code 2760), and "Student to Student (STS) Program of Matching Grants" (23 Ill Adm Code 2770). Many of the Parts are amended to adjust time frames and requirements for document submittal, require completion of annual questionnaires for compliance purposes, clarify definitions, and reflect the recent dissolution of the Board of Governors and the Board of Regents. Additionally, Part 2770 prohibits an institution from carrying forward more than 10% of student-to-student matching funds and requires that matching funds be requested in the same year in which the student contribution is obtained. Part 2771 adjusts 1989-91 bond sale dates in the table of grant amounts, and Part 2764 clarifies qualified applicant criteria to include students "intending to seek" initial certification in a teacher shortage discipline so that community college students are covered.

Part 2760 updates Illinois Standard Test Score computation and outlines eligibility requirements for private high schools that wish to nominate students as State Scholars. Parts 2755 and 2762 specify that out-of-state institutions need not execute an ISAC program participation agreement to receive Byrd Scholar or Paul Douglas Scholar funds, and Part 2755 clarifies grade point and class rank calculation procedures. Parts 2762 and 2763 also clarify that financial assistance under the Special Education Teacher Tuition Waiver Program disqualifies one for a Paul Douglas or Minority Teachers scholarship. Part 2735 specifies that courses in clock hour programs are ineligible for MAP program payments, and Part 2761 requires institutions or scholars to refund full scholarship amounts to ISAC in certain circumstances. Part 2790 adds certain negative administrative actions taken by a nationally-recognized accreditation association to the list of actions that disqualify an institution from ISAC program participation. Part 2733

clarifies veterans' service documentation and amends the claim deadline. Part 2730 adds placement exam fees and other similar fees to the payments for which a scholarship recipient is responsible.

Part 2765 adds pursuit of teaching careers at private and parochial schools to careers at public schools under the program's purpose, specifies that a program participant must be an Illinois high school graduate, and states that nonmilitary leaves of absence count in computing the 6 years allowed for program completion. Part 2720 changes the criteria for designation as an approved lender and replaces a list of required educational lender activities with a reference to federal regulations. Other amendments concern electronic data transmittal, loan sales, co-payable loan checks, preclaim assistance, and ISAC service of eligible loans from IDAPP-eligible lenders. IDAPP is the Illinois Designated Account Purchase Program. Part 2700 changes the criteria for institutional participants in ISAC gift assistance programs, broadens "dependent student" to include tuition waiver recipients, amends various reporting requirements, excludes certain loan defaulters from ISAC assistance eligibility, and clarifies borrower reinstatement procedures. Amendments also concern incarcerated student eligibility, institutional refunds to ISAC, Illinois residency verification, and appeal of hearing officer decisions.

Questions/requests for copies/comments concerning the 15 rulemakings above until 3/18/96: Raquel G. Martinez, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 708/948-8500.

CAMPING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to "Camping on Department of Conservation Properties" (17 Ill Adm Code 130) to change references from

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 11484 - FEBRUARY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
FEB 21 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

February 9, 1996

Issue 6

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

SEWAGE DISPOSAL

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Private Sewage Disposal Code" (77 Ill Adm Code 905), effective 3/15/96, to update definitions and incorporated material, prohibit certain wastewater disposal in private sewage disposal systems, delete seepage pit use, permit 2 methods for sizing a subsurface seepage system, and specify field lateral length requirements. Other topics include recordkeeping for septic tank deliveries, sand filters, waste stabilization ponds, aerobic treatment plant maintenance, effluent discharge, pump use, portable toilet standards, automotive wastes, sanitary dump stations, construction inspection and approval, and contractor licensure. Also, illustrations and exhibits are amended. Changes since 1st Notice include allowing a manufacturer to apply for an experimental use permit, adding experimental system evaluation procedures, specifying the right to appeal experimental system denials, and adding experimental systems to this Part following their approval. Also, a local health department employee with certain specified qualifications may

conduct soil investigations, and subdivisions platted before 3/15/96 may be eligible for certain rule variances. The amendments also add that a private sewage disposal system installation contractor is responsible for assuring compliance with all applicable codes, including the National Electrical Code. Small businesses affected by this rulemaking include septic tank manufacturers, private sewage contractors, and certified soil classifiers. Small municipalities may also be affected.

TANNING FACILITIES

DPH also adopted amendments to "Tanning Facilities Code" (77 Ill Adm Code 795), effective 2/1/96. An identical emergency rulemaking became effective 8/1/95. The rulemaking adds definitions and new provisions for tanning facilities that have allowed their permits to expire. If such facilities renew an expired permit within 90 days and pay a \$250 fee rather than the regular \$150 fee, the facilities do not have to comply with more stringent regulations applicable to facilities licensed since 3/8/93. Otherwise, according to DPH, these facilities would have to remove carpeting from rooms containing tanning equipment in

(cont'd next page)

RADIOACTIVE MATERIALS

The DEPARTMENT OF NUCLEAR SAFETY proposed amendments to "Radiation Inspectors and Inspections" (32 Ill Adm Code 410) and "Registration of Radioactive Material, Radiation Machines, and Radiation Installations" (32 Ill Adm Code 320). Part 410 is amended to add nondepartment qualified inspector suspension as an option when certain specified standards are not met. A \$25 late payment fee and a \$25 mammography file fee are deleted, and a \$25 inspection review fee for other types of radiation machines will be billed to operators after DNR receives the inspection reports. Part 320 also specifies that installation operators will be billed for the annual \$10 radiation machine registration fee with payment due within 60 days. Small businesses, small municipalities, and not-for-profit corporations affected by these 2 rulemakings include those that possess radiation machines that must be inspected or tested under the Radiation Protection Act of 1990.

Questions/requests for copies/comments concerning the 2 rulemakings above until 3/25/96: Robert B. Holtsclaw for Part 320 at 217/524-1003, Valerie Puccini for Part 410 at 217/785-9880, DNS, 1035 Outer Park Dr., Springfield IL 62704, TDD 217/782-6133.

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

COMPTROLLER

The COMPTROLLER MERIT COMMISSION adopted amendments to "Merit Commission Rules" (80 Ill Adm Code 100), effective 12/26/95, to replace the requirement for filing a notice of intent to appeal the allocation of a position to a class. The amendment requires that the appeal itself be filed within 15 days after receipt of the Director's decision on reconsideration.

Questions/requests for copies: Marylou Lowder Kent, Comptroller Merit Commission, 325 W. Adams St., Springfield IL 62704, 217/785-1127.

BOATING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to "Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030), effective 12/27/95, to restrict watercraft on Griswold Lake in McHenry County to motors of 10 horsepower or less.

HUNTING

The DEPARTMENT also adopted amendments, effective 12/27/95, to "Duck, Goose and Coot Hunting" (17 Ill Adm Code 590) and "The Taking of Wild Turkeys-Spring Season" (17 Ill Adm Code 710). Part 590 amendments specify 1996 season dates, add 13 open counties, and amend the lists of sites where statewide or site-specific regulations apply. Criteria are listed for preference in the computerized permit drawing, also. Part 710 amendments eliminate tagging requirements for Canada geese in excess of twice the daily bag limit and add statewide and site-specific regulations regarding goose seasons that occur after Canada goose season. The rulemaking also establishes permit requirements for recording a third Canada goose on the goose permit required in the Northern and Central Illinois quota zones.

RELOCATION ASSISTANCE

In separate action, DNR adopted a new Part entitled "Relocation Assistance and Payments Program" (17 Ill Adm Code 2575), effective 12/27/95, to incorporate federal regulations for relocating persons, businesses, farms, and nonprofit organizations displaced by State acquisition of land for certain conservation projects. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those businesses and organizations needing relocation services and the communities in which they are located.

Questions/requests for copies of the 4 rulemakings above: Jack Price, DNR, 524 S. 2nd St., Rm. 430, Springfield IL 62701-1787, 217/782-1809.

INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to "Credit Accident and Health Insurance" (50 Ill Adm Code 952), effective 1/2/96, to add definitions and a requirement that if coverage for credit accident and health insurance is contingent upon the insured person working a minimum amount of hours during a specific time, then the insurance application must contain a question eliciting the number of hours the insured person works during the specified time period. Changes in this rulemaking since its proposal include clarifying that the specified time frame is one week and requiring that the policy or statement certificate state the minimum number of hours that must be worked per week.

Questions/requests for copies: Mike Teer, DOI, 320 W. Washington, Springfield IL 62767-0001, 217/785-6441.

LIQUOR CONTROL

The ILLINOIS LIQUOR CONTROL COMMISSION adopted amendments to rules entitled "The Illinois Liquor Control Commission" (11 Ill Adm Code 100), effective 1/2/96, to clarify that no

licensee shall advertise in violation of State laws or regulations; eliminate the prohibition of advertisements referring to alcoholic content; include non-resident dealer in sections mandating how a manufacturer labels and seals alcoholic products; require that at least one person eligible to be issued and sign the application for a liquor license be at least 18 years of age; and allow pre-mixed alcoholic beverages to be brand-specific. The amendments also permit any retail licensee to setup credit card payment; clarify that retail licensees are prohibited from purchasing alcohol from other retail licensees; allow common storage of alcoholic liquor for multi-use facilities if all premises have the same Illinois business sales tax number; prohibit giving away alcoholic liquor for commercial purposes, except for sampling and test marketing; prohibit the use of words such as "free" or "complimentary" in advertising; include alcoholic liquor sealed and labeled by a nonresident dealer, as well as a manufacturer; and clarify allowable advertising and promotional sponsorships. Changes in this rulemaking since its proposal include withdrawing proposed language referring to out-of-state, liquor-related law; recognizing that "identification cards" issued by retail licensees, rather than "restaurant credit cards," are deemed equivalent to bank checks or drafts when obtaining alcoholic liquor; disallowing central purchasing of alcoholic liquor by multi-use facilities; and removing the proposed language relative to advertising by not-for-profit licensees. Small businesses affected by this rulemaking include holders, agents or representatives of licenses issued by the Commission.

Questions/requests for copies: Arabel Alva Rosales, Illinois Liquor Control Commission, 100 W. Randolph St., Ste. 5-300, Chicago IL 60601, 312/814-3930.

VOTER REGISTRATION

The DEPARTMENT OF PUBLIC AID adopted amendments for "Rights and

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 2/20/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Placement and Visitation Services" (89 Ill Adm Code 301) proposed 11/3/95 (19 Ill Reg 15116)

"Services Delivered by the Department" (89 Ill Adm Code 302) proposed 11/3/95 (19 Ill Reg 15120)

DEPARTMENT OF NATURAL RESOURCES

"Sport Fishing Regulations for the Waters of Illinois" (17 Ill Adm Code 810) proposed 12/15/95 (19 Ill Reg 16344)

DEPARTMENT OF PUBLIC AID

"Medical Payment" (89 Ill Adm Code 140) proposed 11/27/95 (19 Ill Reg 15788)

"Medical Payment" (89 Ill Adm Code 140) proposed 11/17/95 (19 Ill Reg 15581)

"Demonstration Programs" (89 Ill Adm Code 170) proposed 11/17/95 (19 Ill Reg 15572)

"Demonstration Programs" (89 Ill Adm Code 170) proposed 12/1/95 (19 Ill Reg 16025)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

"State Universities Civil Service System" (80 Ill Adm Code 250) proposed 12/15/95 (19 Ill Reg 16518)

DEPARTMENT OF REVENUE

"Property Tax Code" (86 Ill Adm Code 110) proposed 3/3/95 (19 Ill Reg 2394)

COMMISSIONER OF BANKS AND TRUST COMPANIES

"Standards for Operation and Conduct of Corporate Fiduciaries" (38 Ill Adm Code 399) proposed 11/13/95 (19 Ill Reg 15290)

New Regulations

requirement that the reviewer/litigator make a written recommendation of disposition to the Director within 90 days of the commencement of the informal review period. Also the charge for hearing decisions has been reduced from \$50 to \$25 per floppy disk. Small businesses affected by this rulemaking include attorneys and those who avail themselves of the Department's hearing procedures.

Questions/requests for copies: Richard L. Ryan, DOR, 100 W. Randolph, Level 7, Chicago IL 60601, 312/814-3070.

JUVENILE DELINQUENTS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted a new Part entitled "Transfer of Violent Juvenile Offenders to the Department of Corrections" (89 Ill Adm Code 312) by emergency rulemaking, effective 12/29/95, for a maximum of

150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemaking creates an interagency review committee to decide whether to recommend to the court that a delinquent youth who is age 10 through 17 and under DCFS guardianship be placed in a Department of Corrections facility. Topics covered include committee membership and meeting procedures, certification by DOC that a transfer is "appropriate", record confidentiality, and committee voting procedures.

FOSTER CARE PAYMENTS

The DEPARTMENT also adopted emergency amendments to "Relative Home Placement" (89 Ill Adm Code 335), effective 12/29/95, for a maximum of 150 days, to change the automatic repeal date for this Part from 1/1/96 to 12/31/96. An identical proposed rulemaking appears in this issue of the *Illinois Register*. DCFS is currently under court order to continue paying foster

care rates to approved relative caregivers who are in the process of applying for foster family home licensure although this rulemaking specifies a 9/30/95 or earlier payment termination date. According to the Department, retaining this rule enables DCFS to continue to claim federal monies for the approved relatives until licensure decisions are finalized and administrative appeals exhausted even though the rule text does not reflect the court's directive.

Questions/requests for copies/comments concerning the 2 proposed rulemakings until 2/26/96: Jacqueline Nottingham, DCFS, 406 E. Monroe St., Station 222, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715. A public hearing on the Part 312 proposed rulemaking will be announced in next week's issue of the *Illinois Register*.

Proposed Regulations

Adm Code 1210), and "Unfair Labor Practice Proceedings" (80 Ill Adm Code 1220). Part 2500 and 2501 amendments reflect that separate staffs for the 2 boards have been combined and Chicago board offices relocated. Part 2501 also adds investigative files concerning objections to elections and materials relating to Board litigation to the list of records considered confidential and ex-

empt from disclosure to the public. Part 1200 prohibits indefinite hearing continuances and clarifies the acceptable maximum length for briefs. Part 1210 amends adjudication of representation and decertification petitions and specifies that intermediate rulings of an administrative law judge shall not be subject to interlocutory appeal. Part 1220 amendments state that failure to file a timely answer shall

be deemed admission of both material facts and legal conclusions, and failure to file an answer shall be cause for proceeding termination and entry of a default order.

Questions/requests for copies/comments until 2/26/96: Lydia Mills Wendt, ISLRB, 320 W. Washington, Ste. 500, Springfield IL 62701, 217/785-3155.

New Regulations

Responsibilities" (89 Ill Adm Code 102), effective 12/29/95. Identical emergency amendments were adopted 8/14/95. The rulemaking implements the National Voter Registration Act of 1993 (NVRA) for federal elections only and is in addition to current registration provisions contained in the Illinois Election Code. Amendments require that each applicant for assistance or recertification of food stamp benefits be afforded the opportunity to register to vote if over age 18 and present at the eligibility interview. Topics covered include prohibiting DPA staff from seeking to influence an applicant's political preference or party registration, displaying political preference or party allegiance, making any statement or taking any action to discourage an applicant from registering to vote, or making any statement or taking any action to lead an applicant to believe that a decision to register or not to register to vote will affect the availability of assistance. Changes in this rulemaking since its proposal include requiring DPA to allow clients the opportunity to register to vote at face-to-face redeterminations of benefits, as well as when applying for assistance and at each recertification of food stamp benefits. Small municipalities affected by this rulemaking include those whose election authorities, including county clerks and boards of election commissioners, will incur increased administrative costs for NVRA implementation.

PUBLIC AID

The DEPARTMENT also adopted amendments to "Aid to Families with Dependent Children" (89 Ill Adm Code 112), effective 1/1/96. An identical emergency rulemaking was adopted 8/7/95. The rulemaking implements the Adolescent Parent Program (APP) as a 4-year demonstration project requiring pregnant or parenting individuals under age 16 to participate in Teen Parent Initiative/Young Parent Services under the Job Opportunities and Basic Skills Training Program (JOBS) in order to obtain a high school diploma or prepare for work. The mandatory

participation requirements are the same as those for older parents in the JOBS program.

In separate action, the DEPARTMENT adopted amendments to "Aid to the Aged, Blind or Disabled" (89 Ill Adm Code 113), effective 12/29/95, to establish procedures for diverting a client's non-SSI income to meet the needs of an ineligible dependent spouse or ineligible dependent children under age 21.

The DEPARTMENT also adopted amendments, effective 1/1/96, to "Demonstration Programs" (89 Ill Adm Code 170) and "Related Program Provisions" (89 Ill Adm Code 117) to amend a pilot truancy prevention program that was adopted 6/8/95. The Part 170 rulemaking states that the demonstration program will be available statewide where schools and social service networks are willing to participate, and the program is designed for children in grades 1-6 who receive AFDC and are not regularly attending school. If a family fails to cooperate with its service plan designed to eliminate truancy, its social service network representative will be designated the protective payee for the family's AFDC grant. Further truancy would lead to sanctions. Changes in Part 170 since its proposal include requiring social service networks to be specifically equipped to address the causes of truancy at no cost to the family other than normal co-payment under existing programs and permitting sanctions during the months of June, July and August in the case of year-around schools. Part 117 amendments add truancy to the list of reasons for which a protective payment plan may be initiated by DPA. Changes in this rulemaking since its proposal include permitting certain private welfare and social service agencies to be designated as protective payees.

Questions/requests for copies of the 5 rulemakings above: Judy Umunna, DPA, 100 S. Grand Ave. E., 3rd FL.,

Springfield IL 62762, 217/524-3215.

HOSPITAL REPORTS

DPA also adopted amendments to "Hospital Services" (89 Ill Adm Code 148), effective 12/29/95, to conform to federal regulations by requiring hospital Medicare cost report filing within 150 days after the close of the provider's fiscal year, rather than the current 90-day requirement. Granting of due date extensions by DPA is also eliminated. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate hospitals.

Questions/requests for copies: Joanne Jones at the DPA address above.

REVENUE HEARINGS

The DEPARTMENT OF REVENUE adopted amendments to "Practice and Procedure for Hearings before the Illinois Department of Revenue" (86 Ill Adm Code 200), effective 1/1/96, to restructure the Department's hearing procedures and establish the Office of Administrative Hearings. DOR administrative law judges report to the DOR director or the director's designee, and a requirement that an administrative law judge be a DOR employee is stricken. Litigators shall be special assistant attorneys general who are employed in DOR's Office of Legal Services. New sections are added concerning hearing office locations, settlements, office dispositions, motions, withdrawal of representation, the administrative record, filing procedures, judge disqualification, ex parte communications, and equal application of regulations. Changes in this rulemaking since its proposal include clarification that pretrial proceedings do not include status calls or conferences held as part of the informal review process; specifying that administrative law judges shall not be designated as informal reviewers; clarifying that an offer of settlement may be discussed during the informal review period; and the addition of a

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 11557 - FEBRUARY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
FEB 22 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

48.02
-26x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

February 16, 1996

Issue 7

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

CONTROLLED SUBSTANCES

The DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE adopted amendments to "Schedule of Controlled Substances" (77 Ill Adm Code 2070) to add and delete various drugs from the five schedules of controlled substances. The Department also adopted amendments to "Triplicate Prescription Control Program" (77 Ill Adm Code 2080) to allow the dispensing of Schedule II controlled substances in partial quantities, including individual dosage units, for patients in long-term care facilities or terminally ill patients. Maintenance of required information concerning such prescriptions is allowed on computerized systems if certain specified criteria are met. Also, prescription issuance for a Schedule II controlled substance may be done by facsimile on an emergency basis. A new section is added to exempt certain long-term care and home infusion services from triplicate prescription requirements and allow transmittal of prescriptions by facsimile. Both rulemakings became effective 2/2/96. Small businesses affected by these 2 rulemakings include physicians' of-

fices, nursing homes, home infusion services, hospices, and pharmacies.

Questions/requests for copies of the 2 rulemakings above: Norma J. Seibert, DASA, 222 S. College, 2nd Fl., Springfield IL 62704, 217/782-0685, TDD 217/524-5103.

TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS adopted amendments to "The Administration and Operation of the Teachers' Retirement System" (80 Ill Adm Code 1650), effective 2/5/96. The rulemaking includes changes in basic records and accounts, filing of claims, membership and service credits, contribution credits and payments, rules governing annuitants and beneficiaries, and administrative review. New subparts include Freedom of Information Act requests and board of trustees election procedures.

Questions/requests for copies: Erin Smith, TRS, 2815 W. Washington, PO Box 19253, Springfield IL 62794-9453, 217/753-0961.

(cont'd next page)

Proposed Regulations

NURSING HOME PREScreenING

The DEPARTMENT ON AGING proposed amending "Community Care Program" (89 Ill Adm Code 240) to implement Public Act 89-21. The rulemaking requires all nursing facility applicants 60 years of age or older, regardless of their method of payment for services, to be prescreened and given a Determination of Need (DON) score by case coordination units through the Community Care Program before admission to a nursing home. Postscreening is required if an individual is admitted to a nursing home without prescreening. According to DoA, those who score below a certain DON score at the time of admission or later would be ineligible for Medicaid-paid nursing home services under coordinated rules that DoA, DPA, DMHDD, and DORS are planning to adopt. DPH nursing home licensure rules may also be affected. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include case coordination units that contract with DoA to conduct screening, nursing homes, in-home service providers, community-based service providers, and local government health departments that serve as case coordination units.

Questions/requests for copies/comments until 4/1/96: Pamela W. Balmer, DoA, Attn: Nursing Home Prescreening, 421 E. Capitol Ave.,

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

SP: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

ENVIRONMENTAL LABS

The ENVIRONMENTAL PROTECTION AGENCY adopted amendments to "Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety: Certification of Environmental Laboratories" (35 Ill Adm Code 183), effective 2/5/96, to reflect USEPA amendments to drinking water analytical methods that were published 12/5/94. Specifically, references to cross check samples and quality assurance samples are deleted, and sample collection, handling and preservation standards are expanded. The allowable standard deviation for radiochemical analytical results in performance evaluation studies is increased, however. Appendices listing required methodology and equipment for inorganic and organic chemical analyses of public water supply samples are amended, also. Small businesses and small municipalities affected by this rulemaking include environmental laboratories.

Questions/requests for copies: Stephen C. Ewart, EPA, 2200 Churchill Rd., Springfield IL 62794-9276, 217/782-5544.

DETECTIVES AND GUARDS

The DEPARTMENT OF PROFESSIONAL REGULATION adopted amendments to rules entitled "Private Detective, Private Alarm and Private Security Act of 1993" (68 Ill Adm Code 1240), effective 2/2/96. Similar emergency amendments were adopted 9/8/95. Licensure applicants are required to conduct their fingerprint screening directly through the Illinois State Police rather than through DPR. However, out-of-state applicants may submit State Police fingerprint cards and FBI fingerprint cards to DPR. The rulemaking states that the application, fingerprint verification, and registration shall be submitted to DPR prior to the applicant being scheduled to work. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include

those offering or using the services of private detectives, security contractors, alarm contractors, or security guards.

Questions/requests for copies: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, FAX 217/782-7645.

VOTER REGISTRATION

The DEPARTMENT OF REHABILITATION SERVICES adopted a new Part entitled "Voter Registration Program" (89 Ill Adm Code 880), effective 2/2/96. An emergency rulemaking to the same effect was adopted 9/25/95 under the Part number 900. The rulemaking implements the National Voter Registration Act of 1993 (NVRA) for federal elections only and is in addition to current registration provisions contained in the Illinois Election Code. Procedures are provided for the registration of recipients of DORS services, as well as the registration of students who are at least 18 years of age and who are attending the Illinois School for the Deaf, the Illinois School for the Visually Impaired, or the Illinois Center for Rehabilitation and Education-Roosevelt. The decision to apply or to decline to apply to register to vote shall have no bearing on the determination of the applicant's eligibility for DORS services. Topics covered include definitions, procedures, and prohibitions against attempting to influence an applicant's registration decision or political preference. Small businesses affected by this rulemaking include private and not-for-profit agencies providing developmental disabilities services.

Questions/requests for copies: Susan Warner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

FOOD SANITATION

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Food Service Sanitation Code" (77 Ill Adm Code 750) and "Retail Food Store

Sanitation Code" (77 Ill Adm Code 760), effective 2/5/96, to clarify the issues of uninspected wild game use and use of preservatives as seasoning. The rulemakings define "game animal" and add special requirements for game animals commercially farm-raised for food, field-dressed wild game animals donated under the Good Samaritan Food Donor Act, exotic species, and wild game served at special events. A new section is also added to specify the criteria that must be met before preservatives may be used by retail food stores in meat or poultry curing operations. Changes since 1st Notice include adding definitions for "curing", "field dressed", and "special event" and further clarifying the definition for "game animal". Also, professional biologists and persons familiar with wild game animal species may be approved to perform postmortem inspections of certain donated wild game animals. Small businesses affected by these rulemakings include retail food establishments.

MEDICAL SERVICES

DPA also adopted amendments to "Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515), effective 2/9/96, to replace an emergency rule that became effective 9/1/95. The rulemaking implements Public Act 89-177 by designating 11 specific geographical EMS Regions encompassing EMS Systems and trauma centers in which emergency medical services, trauma services, and nonemergency medical services are coordinated under an EMS Region Plan. Changes since 1st Notice include moving DeKalb County from Region 2 to Region 1. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include EMS systems, trauma centers, and other medical providers.

HOME HEALTH AGENCIES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Illinois Home Health Agency Code"

Proposed Regulations

education evaluated, at their own expense, by the American Assoc. of Collegiate Registrars and Admissions Offices, Office of International Education. The rulemaking also specifies the written and spoken English proficiency test scores necessary after 1/1/96 for all applicants who graduated from non-U.S. programs and whose primary language is not English. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of professional engineers.

Questions/requests for copies/comments concerning the 2 rulemakings above until 4/1/96: Jean A. Courtney at the DPR address above.

POLLUTION

The POLLUTION CONTROL BOARD proposed a new Part entitled "Standards for Universal Waste Management" (35 Ill Adm Code 733) as well as amendments to "Hazardous Waste Management System: General" (35 Ill Adm Code 720), "Identification and Listing of Hazardous Waste" (35 Ill Adm Code 721), "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" (35 Ill Adm Code 725),

"Land Disposal Restrictions" (35 Ill Adm Code 728), "RCRA and UIC Permit Programs" (35 Ill Adm Code 702), "RCRA Permit Program" (35 Ill Adm Code 703), "Standards Applicable to Generators of Hazardous Waste" (35 Ill Adm Code 722), "Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" (35 Ill Adm Code 724), and "Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities" (35 Ill Adm Code 726). These proposed amendments and new Part 733 correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the period 1/1/95 through 11/13/95. Part 733, which contains the new universal waste regulations, tends to lessen the burden of compliance by providing an alternative set of rules that apply in lieu of the more burdensome generally-applicable hazardous waste management standards, according to PCB. Part 733 corresponds to 40 CFR 273 and governs certain high-volume hazardous wastes that are being collected for recycling or disposal and applies to batteries, pesticides and thermostats. It provides an alternative set of management standards in lieu of regulations in 35 Ill Adm Code 702 through 705, 720 through 728, and 733. Small businesses, small

municipalities, and not-for-profit corporations affected by these rulemakings include those that generate, transport, treat, store, or dispose of hazardous waste.

Questions: Michael J. McCambridge at 312/814-6924; requests for copies of the Board's Docket R95-20: Victoria Agyeman at 312/814-3620; requests for copies/comments until 4/1/96: Dorothy M. Gunn, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601.

RULE CORRECTION

The ATTORNEY GENERAL requested that JCAR approve an expedited correction for rules entitled "Franchise Disclosure Act" (14 Ill Adm Code 200) to correct the letter designations of one illustration and an item within another illustration, correct a typographical error, and correct a statutory citation. The original proposed rulemaking appeared in the 6/6/95 *Illinois Register* and was adopted in the 12/29/95 *Illinois Register*.

Questions/requests for copies: Robert Tingler, Office of the Attorney General, 100 W. Randolph, Ste. 12-186, Chicago IL 60601, 312/814-3000.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 2/20/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

ILLINOIS HEALTH FACILITIES PLANNING BOARD

"Processing, Classification Policies and Review Criteria" (77 Ill Adm Code 1110) proposed 6/23/95 (19 Ill Reg 8085)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

"Illinois Promotion Act Programs" (14 Ill Adm Code 510) proposed 12/15/95 (19 Ill Reg 16340)

DEPARTMENT OF INSURANCE

"Life Insurance Solicitation" (50 Ill Adm Code 930) proposed 10/27/95 (19 Ill Reg 14920)

Proposed Regulations

Andre, CB&TC, 310 S. Michigan, Ste. 2130, Chicago IL 60604, 312/793-2043.

REAL ESTATE APPRAISERS

The COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE proposed amending "Real Estate Appraiser Certification" (68 Ill Adm Code 1455) to update an incorporation by reference of the *Uniform Standards of Professional Appraisal Practice* (USPAP) from 7/1/95 to 1/1/96. Small businesses affected by this rulemaking include appraiser licensees.

Questions/requests for copies/comments until 4/1/96: John Arthur, CS&RF, 500 E. Monroe, Ste. 800, Springfield IL 62701-1509, 217/782-6181.

BOATING

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment for "Rental of Boats and Boating Facilities" (17 Ill Adm Code 210) to allow DNR concessionaires to use pre-numbered, DNR-approved boat registration forms instead of the current CA-6 form, if they choose. All persons renting boats must complete a boat registration form at the time and location of the rental. Small businesses affected by this rulemaking include boat rental concessionaires at DNR sites.

Questions/requests for copies/comments until 4/1/96: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

FINGERPRINTING

The DEPARTMENT OF STATE POLICE proposed a new Part entitled "Electronic Transmission of Fingerprints" (20 Ill Adm Code 1265) to specify requirements and procedures for transmitting fingerprint data to the State Police

electronically. The rulemaking requires that all noncriminal-justice agencies and other entities conducting fingerprint-based criminal history background investigations of prospective employees or licensees submit fingerprint images utilizing livescan procedures or other comparable technology approved by DSP. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that submit fingerprints for criminal background checks to DSP, directly or indirectly, or submit fingerprints to the FBI through DSP.

Questions/requests for copies/comments until 4/1/96: James W. Redlich, DSP, 102 Armory Bldg., Springfield IL 62794-9461, 217/782-7658.

VOCATIONAL REHABILITATION

The DEPARTMENT OF REHABILITATION SERVICES proposed an amendment to "Services" (89 Ill Adm Code 590) to add conditions under which post-employment services may be provided to a DORS customer. The requirement that such services be necessary to maintain current employment is expanded to include regaining or advancing employment consistent with the individual's abilities, capabilities, and interests. The provision of multiple services is not included, and services lasting longer than 6 months may necessitate opening a new case.

HOME SERVICES

DORS also proposed an amendment to "Provider Requirements, Type Services, and Rates of Payment" (89 Ill Adm Code 686) to add 14 and 15-year-olds to those who may be employed as personal assistants (PAs) through the Home Services Program and specify eligibility criteria for 14 through 17-year-old PAs. The rulemaking also limits the current requirement concerning PA knowledge of precaution-

ary procedures for the control of contagious infectious diseases to situations where the customer has such a disease. Additionally, a new form will be used to report PA absences, and union/fair share dues will be withheld from PA payments. Federal and state income taxes may be withheld if the PA submits the required W-4 forms to DORS. The rules currently provide only for FICA withholding and optional union dues withholding.

Questions/requests for copies/comments concerning the 2 rulemakings above until 4/1/96: Susan Warrner at the DORS address above.

PHARMACISTS

The DEPARTMENT OF PROFESSIONAL REGULATION proposed amendments for rules entitled "Pharmacy Practice Act of 1987" (68 Ill Adm Code 1330) to establish procedures by which a pharmacist or pharmacist's assistant may counsel patients or their caregivers concerning their prescription medications. Topics covered include definitions; counseling scope; use of leaflets, labels, videos, or computer programs in combination with oral counseling; patient profiles; and confidentiality. Such patient counseling is not required in hospitals or other medical facilities when medication is not dispensed to the patient by a pharmacist. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of pharmacists.

ENGINEERS

DPR also proposed amendments to rules entitled "The Professional Engineering Practice Act of 1989" (68 Ill Adm Code 1380) to require licensure applicants educated in a foreign country to have their

New Regulations

(77 Ill Adm Code 245), effective 2/15/96, to add definitions for Act, audiologist and podiatrist. Amendments also replace reference to a "public health nurse" with a requirement for completion of a baccalaureate degree program approved by the National League for Nursing and at least one year of nursing experience, add reference to services by podiatrists, change requirements for continuing review of clinical records from each 60-day to each 62-day period that a patient received home health services, add provision for faxing copies of clinical records, and bring requirements for state-approved home health aide training programs in line with the Department's nurse aide training rules. Home health aides will be required to complete training program course work and pass the Department-approved competency examination. A U.S. military nurse aide training program is added as an option to establish equivalency. The rulemaking also specifies that a home health agency is responsible for assuring the competency of its aides and must check DPH's Nurse Aide Registry concerning aide misconduct before hiring an individual. Changes since 1st Notice include specifying what constitutes supervision of social work and occupational therapy assistants. Small businesses affected by this rulemaking include home health agencies.

HOSPITAL LICENSING

DPH adopted amendments to "Hospital Licensing Requirements" (77 Ill Adm Code 250), effective 2/15/96, to add requirements for designating load control numbers and shelf life information for sterile equipment and medical supplies. Monthly bacteriological testing, annual nursery personnel health assessments, nursery gowning requirements, and infectious disease reporting requirements are replaced by a requirement that procedures of the hospital's Infection Control Committee be followed. Also, a reference to DPH approval of maternity service plans is deleted, various maternity requirements are changed from advisory to mandatory, and waiting periods for circumcisions are amended. The rulemaking also requires hospitals to implement procedures designed to prevent infant patient abduction and to identify allegedly abducted infants who are recovered. Changes since 1st Notice include adding recommendations concerning the length of stay for newborns and mothers and follow-up visits by health care providers. Small businesses affected by this rulemaking include hospitals.

Questions/requests for copies of the 5 rulemakings above: Gail M. DeVito, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187.

CRIMINAL JUSTICE GRANTS

The ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY adopted emergency amendments for rules entitled "Operating Procedures for the Administration of Federal Funds" (20 Ill Adm Code 1520), effective 2/2/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemakings add a new section concerning grant administration under the federal Violence Against Women Act of 1994. Such funds may be distributed to State agencies, local governments, and nonprofit, nongovernmental victim services programs. Topics covered include funding priorities, evaluation criteria, matching funds, program goals, a State implementation plan, interagency agreements, and reports. Small municipalities and not-for-profit corporations affected by these rulemakings include those applying for grant funds.

Questions/requests for copies/comments concerning the proposed rulemaking until 4/1/96: Kristi J. Kangas, ICJIA, 120 S. Riverside Plaza, Chicago IL 60606-3997, 312/793-8550.

Proposed Regulations

#100, Springfield IL 62701-1789, 217/782-4842. Three public hearings have been scheduled: 3/12/96, State of Illinois Center, 160 N. LaSalle St., Rm. C-500, Chicago IL, 1:00-3:00 p.m.; 3/14/96, Howlett Bldg. Auditorium, Rm. 161, 2nd and Edwards Sts., Springfield IL, 1:00-3:00 p.m.; 3/20/96, Mt. Vernon Convention and Visitors Bureau, Municipal Bldg. West, 200 Potomac Blvd., Mt. Vernon IL, 1:00-3:00 p.m.. DoA requests that anyone needing special accommodations, such as a hearing interpreter, at the

hearings contact the Senior HelpLine at 1-800/252-8966 no later than 3/1/96.

BANKS AND TRUSTS

The COMMISSIONER OF BANKS AND TRUST COMPANIES proposed amendments to "Corporate Fiduciary Subsidiaries" (38 Ill Adm Code 396) to change the Part title to "Corporate Fiduciary Applications and Notices" and add 2 new subparts. A corporate fiduciary that is a trust company must meet specified standards leading to

the Commissioner's approval of its application to establish a branch office. Also, a corporate fiduciary that is a bank, savings and loan association, or savings bank must give timely notice to the Commissioner of its intent to establish a branch office by submitting specified information in a notice of intent.

Questions/requests for copies/comments until 4/1/96: Scott D. Clarke, CB&TC, 500 E. Monroe St., Springfield IL 62701, 217/782-7966 or Patrick F.

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 11640 - FEBRUARY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
MAR 11 7 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

February 23, 1996

Issue 8

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted amendments to "Aid to Families with Dependent Children" (89 Ill Adm Code 112), effective 2/15/96, concerning the Job Opportunities and Basic Skills Training (JOBS) Program. The rulemaking allows client placement with private employers and no longer limits work assignments to public service. JOBS participants, except high school students, are also required to work or participate in a work-related component while participating in education programs. The amendments also strengthen sanctions, eliminate the 4 levels of employment preparation, and eliminate the specified 30-day length of the conciliation demonstration period. Changes in this rulemaking since its proposal include clarifying that conciliation meetings will include the participant, the JOBS worker and a representative for the participant, if desired, and that months in which an individual establishes good cause for non-participation in certain educational programs will not count toward the 24-month participation limit on such education. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking

include those training or employing JOBS participants.

Questions/requests for copies: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-3215.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments for "Merit and Fitness" (80 Ill Adm Code 302), effective 2/13/96, to state that it is an agency head's responsibility to obtain documentary verification when a person seeks veteran's preference.

Questions/requests for copies: Stephen W. Seiple, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/782-9669, TDD 217/785-3979.

SCHOOL BUILDINGS

The STATE BOARD OF EDUCATION repealed the following 2 Parts, effective 2/13/96: "Building Specifications for Health and Safety in Public Schools" (23 Ill Adm Code 185) and "Efficient and Adequate Standards for

(cont'd next page)

Proposed Regulations

PUBLIC AID

The DEPARTMENT OF PUBLIC AID proposed amending "Aid to Families with Dependent Children" (89 Ill Adm Code 112) to change exemptions from JOBS program participation. The rulemaking states that the exemption does not apply to children who return to school after becoming nonexempt, children who are required to participate in the Youth Employment and Training Initiative, and parents under age 18 who have not completed high school or the equivalent.

DPA also withdrew a proposed amendment to Part 112 concerning the JOBS exemption that was published in the 1/26/96 issue of the *Illinois Register* at 20 Ill Reg 1454. The January rulemaking incorrectly indicated that the exemption does not apply to teen parents age 16 and 17 rather than indicating that the category is parents under 18.

Questions/requests for copies/comments concerning the proposed rulemaking until 4/8/96: Judy Umunna at the DPA address above.


PHYSICIAN LICENSURE

The DEPARTMENT OF PROFESSIONAL REGULATION proposed an amendment to rules entitled "Medical Practice Act of 1987" (68 Ill Adm Code 1285) to specify that any licensee applying for renewal shall be entitled to

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

 : Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

the Building Specifications for the Construction of Schools" (23 Ill Adm Code 175). These Parts have been replaced by a new Part entitled "Health/Life Safety Code for Public Schools" (23 Ill Adm Code 180) that became effective 3/24/95.

Questions/requests for copies: Jim Burke, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-2491.

SCHOOL TECHNOLOGY PROGRAM

The STATE BOARD OF EDUCATION also adopted a new Part entitled "School Technology Program" (23 Ill Adm Code 575), effective 2/13/96, to define the allowable uses of funds available to Illinois school districts for technology-related investments. The rules define the use of funds, describe the application process, provide for matching effort by grant recipients, and establish applicable terms of the grants. Changes in this rulemaking since 1st Notice include extending the time period for submission of proposals from 30 to 45 days.

Questions/requests for copies: Sharon Roberts at the SBE address above, 217/782-5596.

IMMUNIZATIONS

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment for "College Immunization Code" (77 Ill Adm Code 694), effective 2/10/96, to exclude from the college immunization program those public colleges or universities not providing on-campus housing in dormitories or equivalent facilities owned, operated, and maintained by the public colleges or universities.

Questions/requests for copies: Gail M. DeVito, DPH, Division of Governmental Affairs, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187.

WATER POLLUTION

The POLLUTION CONTROL BOARD adopted amendments, effective 2/8/96, to "Effluent Standards" (35 Ill Adm Code 304) and "Water Use Designations and Site Specific Water Quality Standards" (35 Ill Adm Code 303). Part 303 changes the general use chronic standard for weak acid dissociable cyanide from 5.2 mg/L to 10 mg/L for the west branch of the DuPage River, Higgins Creek, Salt

Creek, and the Des Plaines River within Cook County. Part 304 updates the name of the Metropolitan Water Reclamation District of Greater Chicago. Changes in Part 304 since its proposal include striking an obsolete subsection relative to the 1992 Chicago Waterway Evaluation and deleting the proposed subsection relating to the John E. Egan, Hanover Park and James C. Kirie water reclamation plants, as these plants are covered under Part 303.

Questions/requests for copies of the 2 rulemakings above: Audrey Lozuk-Lawless, PCB, PO Box 505, DeKalb IL 60115, 815/753-0947.

RULES CORRECTION

The DEPARTMENT OF PUBLIC HEALTH adopted an expedited correction for "Newborn Metabolic Screening and Treatment Code" (77 Ill Adm Code 661) that was adopted in the 11/17/95 *Illinois Register* and became effective 11/1/95. A previously repealed sentence was inadvertently included in the proposed and adopted amendments.

Questions/requests for copies: Gail M. DeVito at the DPH address above.

Proposed Regulations

a hearing prior to receiving any disciplinary action or refusal to renew the license. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those offering the services of physicians or chiropractors.

Questions/requests for copies/comments until 4/8/96: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0800, FAX 217/782-7645.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES proposed amending "Advisory Councils" (89 Ill Adm

Code 515) concerning the Blind Services Planning Council (BSPC). The rulemaking provides that when no member of a particular consumer organization can be found to serve on the BSPC, another appropriate representative of the blind community may be chosen to fill the vacancy, providing such appointment does not conflict with other council membership requirements.

DORS also proposed amendments to "Appeals and Hearings" (89 Ill Adm Code 510) to clarify when decisions rendered in Level I and II hearings concerning grievances become final. A different time frame is specified for a grievance pertaining to the conduct of

a DORS client at the adult residential training program for persons with visual disabilities.

The DEPARTMENT also proposed amendments for "Prescreening" (89 Ill Adm Code 681) to require all individuals aged 18 through 59 who seek nursing home placement to be prescreened, regardless of their method of payment for services. Current rule requires prescreening only for those who seek Medicaid funding. The prescreening process includes a Determination of Need (DON) score and completion of the Inter-Agency Certification of Imminent Risk. Eligibility for institutional care and for the Home Services Program (HSP) is

Proposed Regulations

based on the prescreening. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of intermediate care

facilities, skilled nursing facilities, or in-home workers.

Questions/requests for copies/comments concerning the 3 rulemakings

above until 4/8/96: Susan Warner, DORS, Regulations and Procedures Division, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

JCAR Meeting Action

At its 2/20/96 meeting, the Committee issued the following 3 Objections, 2 Recommendations, and 2 Failure to Remedy notices.

DEPARTMENT OF PUBLIC AID

The Committee objects to the peremptory rulemaking entitled "Food Stamps" (89 Ill Adm Code 121, 20 Ill Reg 2229) because DPA violated Section 5-50 of the Illinois Administrative Procedure Act by failing to file the peremptory rule with the Administrative Code Division within 30 days after the rule was required by federal law.

Concerning DPA's rulemaking entitled "Demonstration Programs" (89 Ill Adm Code 170, 19 Ill Reg 15572), JCAR recommends that the Department seek an amendment to Section 11-6.2 of the Illinois Public Aid Code that continues the Illinois Retinal Identification System demonstration project for 3 years, rather than the 12 months that Public Act 88-554 currently stipulates. The federal government requires that the demonstration project run for 3 years in order to gather enough data to evaluate program effectiveness.

DEPARTMENT OF REVENUE

JCAR objects to "Property Tax Code" (86 Ill Adm Code 110, 19 Ill Reg 2394) because the rulemaking provides that county assessment officers may verify information provided on applications for the Senior Citizens Assessment Freeze Homestead Exemption, rather than prescribing procedures by which the Department of Revenue will conduct the verification, as is intended by Section 15-172(c) of the Property Tax Code.

DEPARTMENT OF HUMAN RIGHTS

The Committee objects to Section 2520.577 of the Department's rulemaking entitled "Procedural" (56 Ill Adm Code 2520, 19 Ill Reg 15319) because a complainant is not guaranteed that the attorney who was assigned to the original complaint will not be assigned to the complainant's request for review of that decision, contrary to the adequacy and propriety requirements of Section 5-100(a) of the Illinois Administrative Procedure Act.

ILLINOIS GAMING BOARD

Concerning the Board's rulemaking entitled "Riverboat Gambling" (86 Ill Adm Code 3000, 19 Ill Reg 7490), JCAR recommends that after the Board has some experience with authorizing the use of complimentary chips and tokens, it amend Section 3000.636(a)(2) to set forth the standards by which it will consistently determine that the dollar value of complimentary chips or tokens is not excessive.

DEPARTMENT OF PROFESSIONAL REGULATION

At its December 1995 meeting, JCAR objected to the Department's rulemaking entitled "Private Detective, Private Alarm and Private Security Act of 1993" (68 Ill Adm Code 1240, 19 Ill Reg 13187) because the rulemaking violates the intent of the authorizing

statute [225 ILCS 446/80] that an applicant for employee licensure can be scheduled for work as soon as "an application for a permanent employee recertification card, including the required fingerprint card and fees" is submitted to DPR. This rulemaking's reliance on livescan fingerprinting can cause as much as a 10-day delay in the submission of fingerprints. The delay in the ability to be scheduled for work that will be caused by a delay in fingerprinting is clearly not contemplated by this statute. The Department responded by refusing to modify the rulemaking. Therefore, the Committee finds that the Department's response fails to remedy the Objection to this rulemaking.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

At its December 1995 meeting, JCAR objected to "State Administration of the Federal Community Services Block Grant Program" (47 Ill Adm Code 120, 19 Ill Reg 13127) because DCCA lacks statutory authority to require those local governments and not-for-profit organizations that function as Community Action Agencies (CAA) to maintain an administrative operation and staff. In response to the Objection, the Department has refused to modify the rulemaking to allow a local agency the option of making contractual arrangements rather than maintaining a staff. Therefore, JCAR finds that DCCA's response fails to remedy the Objection to this rulemaking.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 3/26/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

ILLINOIS GAMING BOARD

"Riverboat Gambling" (86 Ill Adm Code 3000) proposed 11/13/95 (19 Ill Reg 15308)

DEPARTMENT OF LABOR

"Illinois Child Labor Law" (56 Ill Adm Code 250) proposed 11/3/95 (19 Ill Reg 15154)

DEPARTMENT OF PUBLIC AID

"Aid to Families with Dependent Children" (89 Ill Adm Code 112) proposed 9/15/95 (19 Ill Reg 12927)

"Demonstration Programs" (89 Ill Adm Code 170) proposed 11/27/95 (19 Ill Reg 15786)

"Medical Assistance Programs" (89 Ill Adm Code 120) proposed 10/6/95 (19 Ill Reg 13797)

SECRETARY OF STATE

"Literacy Grant Program" (23 Ill Adm Code 3040) proposed 12/22/95 (19 Ill Reg 16815)

DORS

"Services" (89 Ill Adm Code 590) proposed 11/27/95 (19 Ill Reg 15820)

"Services" (89 Ill Adm Code 590) proposed 11/13/95 (19 Ill Reg 15366)

"Eligibility" (89 Ill Adm Code 682) proposed 11/13/95 (19 Ill Reg 15362)

Repeal of "Total Life Planning Program" (89 Ill Adm Code 895) proposed 11/17/95 (19 Ill Reg 15601)

"Program Description" (89 Ill Adm Code 676) proposed 12/22/95 (19 Ill Reg 16811)

"Determination of Need (DON) and Resulting Service Cost Maximums (SCMS)" (89 Ill Adm Code 679) proposed 12/22/95 (19 Ill Reg 16803)

"Individualized Written Rehabilitation Program (IWRP)" (89 Ill Adm Code 572) proposed 12/22/95 (19 Ill Reg 16807)

DEPT OF FINANCIAL INSTITUTIONS

"Transmitters of Money Act" (38 Ill Adm

Code 205) proposed 12/15/95 (19 Ill Reg 16423)

"Consumer Installment Loan Act" (38 Ill Adm Code 110) proposed 12/15/95 (19 Ill Reg 16410)

"Illinois Credit Union Act" (38 Ill Adm Code 190) proposed 12/15/95 (19 Ill Reg 16415)

DEPARTMENT OF INSURANCE

"Definition of Salary" (50 Ill Adm Code 6302) proposed 10/6/95 (19 Ill Reg 13707)

ILLINOIS RACING BOARD

"Horse Health Rules" (11 Ill Adm Code 1431) proposed 11/27/95 (19 Ill Reg 15817)

"Forbidden Conduct" (11 Ill Adm Code 1320) proposed 11/27/95 (19 Ill Reg 15814)

"Account Wagering" (11 Ill Adm Code 321) proposed 9/15/95 (19 Ill Reg 12956)

PRINTED BY THE AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 11715 - FEBRUARY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
MAR 18 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

802
66x

The Flinn Report

DEC

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

March 1, 1996

Issue 9

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

INDUSTRIAL COMMISSION

The ILLINOIS INDUSTRIAL COMMISSION adopted amendments to "Arbitration" (50 Ill Adm Code 7030), "Pre-Arbitration" (50 Ill Adm Code 7020), and "Insurance Regulations" (50 Ill Adm Code 7100), effective 2/15/96. Part 7030 amendments allow case consolidation when more than one petitioner files a claim against the same respondent relating to the same accident. The rulemaking also adds examples of instances where arbitrator or commissioner disqualification should occur, allows disqualification remittal by mutual agreement of the parties, and provides for case reassignments when disqualifications occur. Amendments for Part 7020 repeal a provision concerning failure to appear on the trial date for cases on file 3 or more years. Part 7100 amendments clarify requirements for not-for-profit corporations seeking approval to self-insure. Also, employer security requirements and waiver provisions are amended. The rulemaking additionally adds a process whereby an employer may petition for reconsideration of Commission action concerning self-insurance privileges. Changes in this rulemaking since its proposal include granting the IIC

Chairman discretionary authority to waive for a utility the requirement that the utility's parent company shall guarantee its obligations under the Workers' Compensation Act and the Workers' Occupational Diseases Act. Small businesses and not-for-profit corporations affected by these rulemakings include those that self-insure or apply for self-insurance and those involved in workers' compensation claims handled through arbitration.

Questions/requests for copies of the 3 rulemakings above: Kathryn A. Kelley for Parts 7030 and 7020, IIC, 100 W. Randolph, Ste. 8-272, Chicago IL 60601, 312/814-6559; Janet Kirby for Part 7100, IIC, 701 S. 2nd St., Springfield IL 62704, 217/785-7084.

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to "Organic Material Emission Standards and Limitations for the Metro East Area" (35 Ill Adm Code 219), effective 2/15/96, to delete the extra month added to the regulatory control period for wholesale purchaser consumer facilities. During the control period, the Reid vapor pressure of gasoline shall

(cont'd next page)

FUNERAL OR BURIAL FUNDS

The OFFICE OF THE COMPTROLLER proposed a new Part entitled "Illinois Funeral or Burial Funds Act" (38 Ill Adm Code 610) to regulate the sale of funeral goods, services, and cemetery vaults on a pre-need basis and to protect the funds deposited by purchasers. The proposed rules require that sellers of pre-need funeral contracts be licensed by the Comptroller whether or not the contract is funded by trust arrangement, life insurance, or annuity. Also, all pre-need contracts sold in Illinois must contain disclosures to assist consumers in their selection of pre-need funeral arrangements, and each contract must be accompanied by a booklet that explains the law and serves as a consumer's guide to pre-need funeral planning. Topics covered in the rulemaking include definitions, classification of pre-need contracts by funding methods, trust investments in life insurance or annuities, licensing of sellers, and the schedule of charges the licensee must pay to cover the cost of examining the licensee's books and records. Small businesses affected by this rulemaking include funeral homes, cemeteries, insurance companies, and insurance producers.

Questions/requests for copies/comments until 4/15/96: Keith J. Flanagan, Office of the Comptroller, 201 State House, Springfield IL 62706-0001, 217/782-5328.

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

not exceed 7.2 psi. The identification number for Clark Oil and Refining Corp. is corrected, also. Small businesses affected by this rulemaking include gasoline dispensing operations.

Questions/requests for copies: Audrey Lozuk-Lawless, PCB, PO Box 505, DeKalb IL 60115, 815/753-0947.

LIBRARIES

The SECRETARY OF STATE adopted amendments to rules entitled "The Illinois Library System Act" (23 Ill Adm Code 3030), effective 2/16/96, to rewrite procedures for library membership changes in terms of geographical boundary adjustments approved by the State Librarian. A new section is added to specify how the Illinois State Library Advisory Committee will consider boundary issues and make recommendations. Also, the length of a developmental membership is changed from 3 to 5 years if annual progress toward meeting full membership criteria is demonstrated through a library's developmental plan.

Questions/requests for copies: Kathleen L. Bloomberg, Illinois State Library, 300 S. 2nd St., Springfield IL 62701-1796, 217/785-0052, FAX 217/782-6062, INTERNET kbloomb@library.sos.state.il.us

COMMERCIAL DRIVERS

The SECRETARY OF STATE adopted amendments for "Commercial Driver Training Schools" (92 Ill Adm Code 1060), effective 2/14/96, to add the academic standards and applicable waiver provisions concerning students under age 18 who seek a commercial driver's license. Also, the rulemaking exempts commercial license trainers from the 3 hour per day cap on a student's training time, requires an instructor to have a valid driver's license for 2 years prior to issuance of an instructor's license, and lengthens the instructor temporary permit period from 90 to 180 days. Specific provision for monthly, unannounced SOS in-

spections of classes and student records is stricken. Concerning hearings, a 15-day notice period for denial of license renewal or accreditation renewal is stricken, and a denial would stand pending the outcome of a hearing for denial of an initial license or accreditation. New provisions are added specifying several steps that SOS would take prior to initiating disciplinary action against a licensee. Small businesses affected by this rulemaking include commercial driver training schools.

DRIVERS' LICENSES

SOS also adopted amendments to "Issuance of Licenses" (92 Ill Adm Code 1030), effective 2/14/96, concerning medical cancellation of a driver's license. The SOS will require a driver to submit a medical report when applicable written comment is received from other states' motor vehicle departments, a driver rehabilitation specialist, voluntary self-admission, or the problem driver point system. Procedures for restoring a cancelled license and for adjudicating restrictions on driving privileges are also amended.

Questions/requests for copies of the 2 rulemakings above: Mark A Novak, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/782-5356.

CHILDREN'S SERVICES

The BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS adopted amendments to "Division of Specialized Care for Children - Public Information, Rulemaking and Organization" (2 Ill Adm Code 5155), effective 2/14/96, to change the name of the division from Services for Crippled Children to Specialized Care for Children, update addresses for the central and regional offices, and change the organizational chart.

Questions/requests for copies: Dr. Robert F. Biehl, Division of Specialized Care for Children, 2815 W. Washington, Ste. 300, PO Box 19481, Spfld IL 62794-9481, 217/793-2340.

CRIMINAL HISTORY CHECKS/CHILD SUPPORT

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted emergency amendments for "Background Checks" (89 Ill Adm Code 385), effective 3/1/96, for a maximum of 150 days. Identical proposed amendments appear in this issue of the *Illinois Register*. DCFS states that this Part is being expanded in order to consolidate all background checks required of providers and licensees who have contact with children. If the child care facility operates in a family home, all household members age 13 and over are subject to checks, and DCFS may require purchase-of-service providers who have contact with children as part of their duties to authorize background checks. The rulemaking defines background check to mean a criminal history check via fingerprints of persons age 18 or over and a Law Enforcement Agency Data System (LEADS) check of persons age 13 through 17. Three other components of the check are the Child Abuse and Neglect Tracking System (CANTS) to determine whether an individual has been alleged or indicated as a child abuse or neglect perpetrator, the Statewide Child Sex Offender Database (beginning 6/1/96), and a check of child support records to determine whether a licensee or license applicant is delinquent in paying child support. Other topics covered include criminal convictions preventing licensure or employment, waivers, and DCFS review of license denial decisions. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those providing the services of day care homes, group day care homes, day care centers, for-profit group homes, and child care institutions.

Questions/requests for copies/comments concerning the proposed rulemaking until 4/15/96: Jacqueline Nottingham, DCFS, 406 E. Monroe, Station 222, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715. Four evening public hearings at

Proposed Regulations

palities and not-for-profit corporations affected by this rulemaking include hospitals certified as organ transplant centers.

Questions/requests for copies/comments until 4/15/96: Joanne Jones at the DPA address above.

HORSE RACING

The ILLINOIS RACING BOARD proposed amendments to "Inter-state Common Pools" (11 Ill Adm Code 302) to require Illinois tracks electing to commingle Illinois pools with pools of an out-of-state track, to calculate prices and make payoffs based on the sending race track's prices if it becomes impossible for any licensee to

successfully merge wagers into the interstate common pool. In the event it becomes impossible to merge wagers involving exotic pools with existing carryover jackpots, those wagers shall be subject to a refund.

Questions/requests for copies/comments until 4/15/96: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-2600.

DCFS BACKGROUND CHECKS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed the repeal of 2 Parts entitled "Background Check of Foster Family Home Applicants" (89 Ill Adm Code 380) and "Background Inquiry for Purchase of Service Providers" (89 Ill

Adm Code 358). In both instances, the regulations will be covered under Part 385. (See the DCFS emergency rulemaking and corresponding proposed rulemaking for Part 385 on page 2 of this newsletter.) Also, "Purchase of Service" (89 Ill Adm Code 357) is amended to reference Part 385 rather than Part 358 concerning background checks. Day care homes and centers and for-profit group homes and institutions will be affected by these rulemakings.

Questions/requests for copies/comments concerning the 3 rulemakings until 4/15/96: Jacqueline Nottingham at the DCFS address above.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 3/26/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF INSURANCE

"Surplus Line Business Requirements" (50 Ill Adm Code 2801) proposed 10/13/95 (19 Ill Reg 14232)

DEPT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

"Recipient Rights" (59 Ill Adm Code 111) proposed 9/29/95 (19 Ill Reg 13487)

STATE BOARD OF EDUCATION

"Public Schools Evaluation, Recognition and Supervision" (23 Ill Adm Code 1) proposed 12/15/95 (19 Ill Reg 16403)

DEPARTMENT OF TRANSPORTATION

"Specifications for Packagings" (92 Ill Adm Code 178) proposed 12/29/95 (19 Ill Reg 16918)

"Shippers General Requirements for Shipments and Packagings" (92 Ill Adm Code 173) proposed 12/29/95 (19 Ill Reg 16912)

"Hazardous Materials Table and Hazardous Materials Communications" (92 Ill Adm Code 172) proposed 12/29/95 (19 Ill Reg 16900)

"Continuing Qualification and Maintenance of Packaging" (92 Ill Adm Code 180) proposed 12/29/95 (19 Ill Reg 16885)

Proposed Regulations

Questions/requests for copies/comments concerning the 3 rulemakings above until 4/15/96: Denise Fuchs (217/785-8560) at the DOI address above.

Erickson, LTCB, Office of the Auditor General, Iles Park Plaza, 740 E. Ash St., Springfield IL 62703, 217/782-1009, TDD 217/524-4646, FAX 217/785-8222.

Questions/requests for copies/comments concerning the 3 rulemakings above until 4/15/96: Valerie A. Puccini, DNS, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9880, TDD 217/782-6133.

PERSONNEL RECORDS

The DEPARTMENT OF LABOR proposed a new Part entitled "Personnel Records Review Act" (56 Ill Adm Code 355) to provide standards for administration and enforcement of the Personnel Records Review Act. Topics covered include definitions, personnel record inspection and copying, exceptions to an employee's right to inspect personnel records, use of personnel records information in judicial and quasi-judicial proceedings, personnel record correction, disclosure of disciplinary actions, records of nonemployment activities, and complaint procedures. Small employers who employ fewer than 5 employees, exclusive of immediate family, are not covered by this rulemaking. All other small businesses, small municipalities, and not-for-profit corporations are affected.

Questions/requests for copies/comments until 4/15/96: Scott D. Miller, DOL, 160 N. LaSalle, Ste. C-1300, Chicago IL 60601 312/793-1805.

TRAVEL

The LEGISLATIVE TRAVEL CONTROL BOARD proposed the repeal of "Travel for Legislative Employees" (80 Ill Adm Code 2850) because legislative employees are currently subject to regulations adopted by the Travel Regulation Council and policies promulgated under the State Finance Act.

Questions/requests for copies/comments until 4/15/96: Tom

MEDICAL RADIATION

The DEPARTMENT OF NUCLEAR SAFETY proposed amendments to "Accrediting Persons in the Practice of Medical Radiation Technology" (32 Ill Adm Code 401) and "Certification of Individuals to Perform Industrial Radiography" (32 Ill Adm Code 405). Part 401 clarifies that direct supervision is required for students in an approved radiation technology training program. Both Parts are amended to state that the Department will refuse to issue or renew accreditation or certification if the applicant is delinquent in repaying ISAC-guaranteed educational loans or paying child support. Also, suspension or revocation provisions may be applied if a licensee fails to repay an educational loan guaranteed by the Illinois Student Assistance Commission (ISAC), meet child support orders, or pay a properly assessed civil penalty. Small businesses, small municipalities, and not-for-profit corporations affected by these 2 rulemakings include those employing persons certified to perform industrial radiography or persons accredited in the practice of medical radiation technology.

RADON DETECTION & MITIGATION

DNS also proposed amendments to "Registration of Radon Detection and Mitigation Services" (32 Ill Adm Code 420) to add educational loan and child support provisions like those above. However, civil penalties are not included. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those employing persons registered to perform radon detection and mitigation services.

FOOD STAMPS

The DEPARTMENT OF PUBLIC AID proposed amendments to "Food Stamps" (89 Ill Adm Code 121) to expand the criteria by which a resource can be considered inaccessible to include those resources which, if sold or otherwise disposed, are unlikely to contribute significantly to the support of the household. Amounts less than \$1,000 (or \$1,500 if there is a person age 60 or older in the household) are not deemed significant. This exclusion does not apply to vehicles, negotiable financial instruments, or stocks and bonds.

Questions/requests for copies/comments until 4/15/96: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Floor, Springfield IL 62762, 217/524-0081.

HOSPITAL SERVICES

DPA also proposed amendments to "Hospital Services" (89 Ill Adm Code 148) to allow coverage up to 60% with a maximum of \$25,000 for bone marrow searches for those individuals selected as candidates for allogeneic bone marrow transplantation. Departmental notification by the hospital prior to performance of a transplant procedure is required, but the prior requirement for inclusion of the initial work-up and summary of medical finding is eliminated. References to a tertiary care hospital and Medicaid high volume adjustments are also eliminated. Small businesses, small municipi-

New Regulations

7:00 p.m. to 9:00 p.m. have been scheduled as follows: Rockford, 4/1/96, Sweden House, 4605 East State; Chicago, 4/2/96, Quality Inn, One S. Halsted; Springfield, 4/4/96, State House, Rm. 114, Monroe and 2nd St.; Collinsville, 4/8/96, Quality Inn, 475 N. Bluff. If translation or interpretation services are needed, contact the DCFS Springfield office at the address above.

DCFS PLACEMENTS

The DEPARTMENT adopted emergency amendments for "Placement and Visitation Services" (89 Ill Adm Code 301), effective 2/16/96, for a maximum of 150 days, to add indecent solicitation of an adult, solicitation of a sexual act, and predatory criminal sexual assault of a child to the list of criminal convictions that bar placement of children with relatives. An identical proposed rulemaking appears in this issue of the *Illinois Register*.

DCFS also adopted an emergency amendment for "Licensing Standards for Foster Family Homes" (89 Ill Adm Code 402), effective 2/16/96, for a maximum of 150 days. Harboring a

runaway, indecent solicitation of an adult, solicitation of a sexual act, and predatory criminal sexual assault of a child are added to criminal convictions that prevent foster home licensure or permits.

Questions/requests for copies/comments concerning the proposed rulemaking until 4/15/96: Jacqueline Nottingham at the DCFS address above.

DRINKING WATER

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments to "Drinking Water Systems Code" (77 Ill Adm Code 900), effective 2/16/96, for a maximum of 150 days. Identical proposed amendments appear in this issue of the *Illinois Register*. The rulemakings correct references to Pollution Control Board rules and specify that PCB rules on operation, recordkeeping, and primary drinking water standards apply to all non-community public water supplies. Owners of non-community water systems are affected by these rulemakings.

LOCAL HEALTH GRANTS

DPH also adopted emergency amendments for "Local Health Protection Grant Rules" (77 Ill Adm Code 615), effective 2/16/96, for a maximum of 150 days. Identical proposed amendments appear in this issue of the *Illinois Register*. The rulemakings implement agreements made in 1995 concerning grant award methodology. That methodology will continue to be used through June. On 7/1/96, allocation will revert back to the per capita income/assessed valuation criteria only for LHD's with less than the statewide average per capita/assessed valuation, based upon comparison of each jurisdiction with statewide averages. Other topics covered include hold-harmless provisions, minimum and maximum grant awards, and allowable annual percentage change in total grant awards. Those affected by these rulemakings include local health departments.

Questions/requests for copies/comments concerning the 2 proposed rulemakings until 4/15/96: Gail M. DeVito, DPH, 535 W. Jefferson, 5th Fl., Spfld IL 62761, 217/782-6187.

Proposed Regulations

INSURANCE

The DEPARTMENT OF INSURANCE proposed a new Part entitled "Valuation of Life Insurance Policies (Including the Introduction and Use of New Select Mortality Factors)" (50 Ill Adm Code 1409) to allow insurance companies to hold lower reserves for their whole and universal life insurance policies through the use of lower mortality assumptions and require insurers to hold higher reserves for specific types of term policies. This Part does not apply to group life insurance certificates unless the certificates provide for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess

of one year. Other exemptions also are specified for certain types of individual, variable, and variable universal life insurance policies.

Questions/requests for copies/comments until 4/15/96: David Van Lieshout (217/782-2867) or Mary Meyer (217/785-8220), DOI, 320 W. Washington, Springfield IL 62767.

DOI proposed two new Parts entitled "Intergovernmental Joint Insurance Pool Annual Audited Financial Report" (50 Ill Adm Code 2405) and "Small Employer Carrier Actuarial Certification and Documentation Requirements" (50 Ill Adm Code 5100). Part 2405 implements audit and reporting requirements for local government

joint self-insurance pools as required by Public Act 89-97, effective 7/7/95. This rulemaking will affect small municipalities that participate in joint insurance risk pools under the Intergovernmental Cooperation Act. Part 5100 sets standards for the filing and contents of a small employer carrier actuarial certification.

The DEPARTMENT also proposed repealing "Preferred Provider Program Administrators" (50 Ill Adm Code 6501) because in next week's *Illinois Register*, DOI will propose the same rules under a new number at Part 2051. The Department states that the renumbering is necessary so that rule text may be placed in the "Accident and Health Insurance" subchapter.

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 11798 - FEBRUARY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
MAR 26 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

March 8, 1996

Issue 10

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

INDUSTRIAL COMMISSION

The ILLINOIS INDUSTRIAL COMMISSION adopted amendments for "Arbitration" (50 Ill Adm Code 7030), effective 2/15/96. The amendments permit either party to request a pre-trial conference, and detail how the arbitrator may schedule and prioritize trials. Each party or the party's attorney must appear before the arbitrator between 8:45 a.m. and 9:15 a.m. in order for the arbitrator to establish case order for the day. The petitioner's failure to appear may lead to case dismissal. Other topics covered include bifurcated hearings, evidence depositions, and retention of exhibits by the Commission. Small businesses affected by this rulemaking include those involved in workers' compensation claims handled through arbitration.

Questions/requests for copies: Kathryn Kelley, IIC, 100 W. Randolph, Ste. 8-272, Chicago IL 60601, 312/814-6559.

COMMERCE COMMISSION

The ILLINOIS COMMERCE COMMISSION adopted amendments to "Access to Information" (2 Ill Adm

Code 1701), effective 3/1/96, to require transportation-related requests to be filed with the Director of Processing in the Transportation Division, rather than with the Chief Clerk.

Questions/requests for copies: Conrad Rubinkowski, ICC, 527 E. Capitol Ave., PO Box 19280, Springfield IL 62794-9280, 217/785-8439.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted an amendment to "Pay Plan" (80 Ill Adm Code 310) by emergency rulemaking, effective 2/27/96, for a maximum of 150 days. This amendment upgrades the maximum daily rate of the Pay Plan for the Educator classification from \$60 to \$85 at the request of DORS. This rate applies to persons employed on a consultative or part-time basis requiring irregular work hours. Similar proposed rules appear in this issue of the *Illinois Register*. Additionally, the proposed rulemaking deletes reference to the position of Technical Advisor IV, which has been abolished.

(cont'd next page)

CHILD SEX OFFENDERS

The DEPARTMENT OF STATE POLICE proposed a new Part entitled "Child Sex Offender Community Notification Law" (20 Ill Adm Code 1282) to require police departments and sheriff's offices to provide DCFS, licensed child care facilities, and schools within their jurisdictions with the names, addresses, and offenses of registered child sex offenders. Victim notification procedures and rules concerning access to registry information are also included. Law enforcement departments in small municipalities will be affected by this rulemaking.

Questions/requests for copies/comments until 4/22/96: James W. Redlich, ISP, 102 Armory Bldg., PO Box 19461, Springfield IL 62794-9461, 217/782-7658.

TEXTBOOK LOAN PROGRAM

The STATE BOARD OF EDUCATION proposed amendments to "Secular Textbook Loan" (23 Ill Adm Code 350) to redefine "secular textbook" to include instructional computer software and simplify and clarify book loan requests and acquisition procedures under the program. Funding will be allocated on a per-pupil basis, based upon the total amount of funds appropriated for the program and the statewide public and nonpublic school enrollment for the preceding year.

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of *Illinois Regulation* or the *Illinois Register* will expedite the process.

New Regulations

Questions/requests for copies/comments until 4/22/96: Michael Murphy,

DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

Proposed Regulations

Questions/requests for copies/comments until 4/22/96: Sally Vogl, ISBE, 100 N. 1st St., S-284, Springfield IL 62777-0001, 217/782-0541.

HEALTH CARE PROVIDERS

The DEPARTMENT OF INSURANCE proposed a new Part entitled "Preferred Provider Program Administrators" (50 Ill Adm Code 2051) to replace Part 6501, which DOI intends to repeal. The Department states there is no substantive difference between the two Parts and that the regulations are being moved to place them in a more appropriate subchapter of the *Illinois Administrative Code*. Topics covered

include definitions, assumption of underwriting risk, registration, fees, fiduciary and bonding requirements, records, and examination of problems or complaints.

Questions/requests for copies/comments until 4/22/96: Denise Fuchs, DOI, 320 W. Washington, Springfield IL 62767, 217/785-8560.

DEVELOPMENTAL DISABILITIES

The DEPARTMENT OF PUBLIC AID proposed amendments to "Developmental Disability Services" (89 Ill Adm Code 144) to reference an add-on of \$.10 per day for emergency dental

services and add a \$.30 per resident day payment for the costs of prophylaxis treatment and periodontal services for adult residents of small nursing homes (ICF/MR) with 4 or 6 beds for the mentally retarded. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of small ICF/MR facilities for persons with developmental disabilities.

Questions/requests for copies/comments until 4/22/96: Joanne Jones, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-3215.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 3/26/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF PROFESSIONAL REGULATION

"Naprathic Practice Act" (68 III Adm Code 1295) proposed 1/19/96 (20 III Reg 1124)

"Illinois Professional Land Surveyor Act of 1989" (68 III Adm Code 1270) proposed 1/19/96 (20 III Reg 1118)

DEPARTMENT OF PUBLIC AID

"Medical Payment" (89 III Adm Code 140) proposed 12/8/95 (19 III Reg 16134)

"Practice in Administrative Hearings" (89 III Adm Code 104) proposed 11/13/95 (19 III Reg 15353)

"Aid to Families with Dependent Children" (89 III Adm Code 112) proposed 10/6/95 (19 III Reg 13759)

"Related Program Provisions" (89 III Adm Code 117) proposed 10/6/95 (19 III Reg 13816)

"Child Support Enforcement" (89 III Adm Code 160) proposed 11/13/95 (19 III Reg 15347)

"Demonstration Programs" (89 III Adm Code 170) proposed 10/6/95 (19 III Reg 13789)

"Demonstration Programs" (89 III Adm Code 170) proposed 8/4/95 (19 III Reg 11316)

DEPT OF TRANSPORTATION

"Specifications for Tank Cars" (92 III Adm Code 179) proposed 12/29/95 (19 III Reg 16929)

"Procedures" (92 III Adm Code 107) proposed 12/29/95 (19 III Reg 16905)

"General Information, Regulations and Definitions" (92 III Adm Code 171) proposed 12/29/95 (19 III Reg 16890)

"Carriage by Public Highway" (92 III Adm Code 177) proposed 12/29/95 (19 III Reg 16881)

DEPARTMENT OF PUBLIC HEALTH

"Intermediate Care for the Developmentally Disabled Facilities Code" (77 III Adm Code 350) proposed 10/20/95 (19 III Reg 14561)

"Long-Term Care for Under Age 22 Facilities Code" (77 III Adm Code 390) proposed 10/20/95 (19 III Reg 14607)

"Sheltered Care Facilities Code" (77 III Adm Code 330) proposed 10/20/95 (19 III Reg 14660)

"Skilled Nursing and Intermediate Care Facilities Code" (77 III Adm Code 300) proposed 10/20/95 (19 III Reg 14703)

"AIDS Drug Reimbursement Programs" (77 III Adm Code 692) proposed 5/26/95 (19 III Reg 7121)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 11890 - MARCH 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
MAR 27 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

4802
26x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

March 15, 1996

Issue 11

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

SOCIAL WORK

The DEPARTMENT OF PROFESSIONAL REGULATION adopted amendments to rules entitled "Clinical Social Work and Social Work Practice Act" (68 Ill Adm Code 1470), effective 2/28/96, to add a new section to specify what acts or practices constitute unethical, unauthorized, and unprofessional conduct for the purpose of deciding disciplinary actions. Also, continuing education provisions are amended to allow credit for completion of self-study courses that include an examination and are offered by an approved sponsor. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those employing licensed social workers or clinical social workers and those providing social work continuing education courses.

Questions/requests for copies: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0800, FAX 217/782-7645.

UNIVERSITY CIVIL SERVICE

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM adopted amend-

ments for "State Universities Civil Service System" (80 Ill Adm Code 250), effective 2/29/96, to update rule text to reflect the elimination of the Board of Governors and the Board of Regents and the restructuring of the higher education boards.

Questions/requests for copies: Emil G. Peterson, SUCSS, 1717 S. Philo Rd., Ste. 24, Urbana IL 61801, 217/333-3150.

TAXES

The DEPARTMENT OF REVENUE adopted amendments to "Retailers' Occupation Tax" (86 Ill Adm Code 130), effective 3/4/96, to add "aquaculture" to the definition of "production agriculture". Small businesses affected by this rulemaking include farmers.

Questions/requests for copies: Martha P. Mote, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

INSURANCE

The DEPARTMENT OF INSURANCE adopted an amendment for "Life (cont'd next page)

Proposed Regulations

AUTO EMISSIONS TESTS

The ENVIRONMENTAL PROTECTION AGENCY proposed amendments for "Procedures to be Followed in the Performance of Annual Inspections of Motor Vehicle Exhaust Emissions" (35 Ill Adm Code 276) to reflect recent statutory changes at the State level and also new federal guidelines, according to EPA. The exhaust emissions test is extensively amended, an evaporative system integrity test is added to check the fuel cap, and the tamper check procedure is replaced by testing procedures applicable to vehicles that have been altered from their original certified configuration. Also, certificates are added to various emission sticker provisions, and waiver standards are changed to reflect the evaporative system integrity test requirement and reflect the unavailability of certain obsolete emission control devices. Fleet self-testing requirements are amended concerning the fuel cap test, and EPA states that it may require emissions inspectors to be recertified and fleet inspection stations re-permitted if emissions inspection standards are substantially amended. A new subpart is added to specify reciprocity with other jurisdictions, and grievance procedures are amended, also. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those operating vehicles that must be tested, including fleet self-testers.

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

S: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

Insurance Solicitation" (50 Ill Adm Code 930), effective 3/4/96, to delete a provision in the "Life Insurance Buyer's Guide" that stated the Department would collect and make available to the public comparative cost index data for a variety of different policy types.

Questions/requests for copies: Tina Nieslawski, DOI, 320 W. Washington, Springfield IL 62767-0001, 217/782-8638.

HOSPITALS

The DEPARTMENT OF EMPLOYMENT SECURITY adopted a new section to "Payment of Unemployment Contributions, Interest and Penalties" (56 Ill Adm Code 2765), effective 2/29/96. Identical emergency rules were adopted 11/1/95. The rulemaking authorizes hospitals and IDES to enter into deferred payment agreements for up to four years with respect to delinquent unemployment insurance contributions and allows waiver of interest owed upon timely full payment of contributions covered by the agreement. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include nonprofit hospitals.

Questions/requests for copies: Gregory J. Ramel, IDES, 401 S. State St., 2nd Fl. S., Chicago IL 60605, 312/793-4240.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted amendments for "Demonstration Programs" (89 Ill Adm Code 170), effective 2/29/96, to establish the Illinois Retinal Identification System demonstration program (I-SCAN) and Young Parent Services South Home Visitor Demonstration (Project Link) program. The I-SCAN demonstration program begins 3/1/96 in the Granite City and East Alton local offices for a period of 3 years. Under the program, all adult AFDC recipients and payees (including second parents and minor parents) and nonaided payees in the household will be identified by retina blood vessel patterns in order to

combat client fraud. Failure or refusal to cooperate in the retinal screening program may result in AFDC ineligibility. The Project Link demonstration will be available to selected teen parents on the far south side of Chicago (Southeast, Calumet Park, Auburn Park, Roseland, South Suburban, and Englewood) who are age 19 or under in the JOBS program. The rulemaking also states that participation will be mandatory for all eligible clients via a federal waiver. Participants will receive services by a home visitor that include modeling behavior, parenting skills, home and family management, study skills, and career exploration. Changes in this rulemaking since its proposal include changing "IRIS" to "I-SCAN", moving up I-SCAN's inauguration to March, and changing responsibility for investigation of match information from the local office to other DPA investigators. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those community-based organizations that want to join DPA in administering Project Link.

Questions/requests for copies: Judy Umunna, DPA, Bureau of Rules and Regulations, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-3215.

HEALTH CARE

The DEPARTMENT OF PUBLIC AID adopted amendments to "Medical Payment" (89 Ill Adm Code 140), effective 3/4/96, that combine 3 previously proposed rulemakings. The amendments implement the Maternal and Child Health Program, which replaces DPA's Healthy Moms/Healthy Kids program that was previously provided through a federal waiver that has now expired. Topics amended include covered services, provider assessments and participation, eligibility, payment for noninstitutional services, primary care, group care and case management. Medical services under the new program will be provided through a case management component for pregnant women, children under age one (formerly age 6), and

DCFS wards age 5 or under. Maintenance payments of \$5/month/child provided under the former program are eliminated. The amendments also apply the criteria utilized to determine the need for nursing home ICF/MR services only to persons with mental retardation or conditions related to mental retardation who need active treatment. The amendments provide extensive descriptions from federal regulations regarding "active treatment" and what is meant by a "related condition". Additionally, the rulemaking adds communication devices to the medical equipment costs that may be covered in payments to participating providers following physician certification. Payment for prosthetic devices is expanded to include orthotic devices, also. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include medical service providers; providers of medical equipment, communication devices, supplies, and prosthetic and orthotic devices; and those that own or operate long-term care facilities for persons with developmental disabilities.

DPA also adopted a new Part entitled "Specialized Health Care Delivery Systems" (89 Ill Adm Code 146), effective 2/29/96, to allow ambulatory surgical treatment centers (ASTCs) to participate in the Medicaid program. Topics covered include definitions, participation requirements, out-of-state ASTCs, records, data reporting, reimbursable services, and billing procedures. Changes in this rulemaking since its proposal include allowing accommodations and bed facilities for patients for up to 23 hours following admission in facilities devoted exclusively to the treatment of children; permitting discharge of patients to environments similar to, as well as to, hospitals; accepting accreditation by a national accrediting agency for ASTCs in states that do not license them; requiring transfer and referral plans to include procedures for effecting transfer of patients from an ASTC to a hospital; requiring contracting hospitals in rural areas to be within 15, rather than 30, minutes of the ASTC;

Proposed Regulations

(62 Ill Adm Code 300) and "Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations" (62 Ill Adm Code 1800). Part 1800 amendments add a new section to allow self-bonding by permit applicants who meet specified criteria. Part 300 adds 18 new sections concerning use of explosives in non-coal extraction operations that are intended to supplement existing State and federal regulations. The rulemaking requires that all blasting operations shall be conducted under the direct supervision of a licensed blaster. Such operations include shot design, layout, drilling, loading, detonation, and recordkeeping. Other topics covered include monitoring; adverse effect control; training, examinations, licensure, and fees; license suspension or revocation; violations; cessation orders; and hearings. Small businesses affected by the Part 300 rulemaking include aggregate mining operations (limestone, silica-sand, and clay mines) that conduct blasting.

Questions/requests for copies/comments until 4/29/96: Karen Jacobs (217/785-0356) for Part 1800 and Kevin Kahl (217/782-6791) for Part 300, DNR, Office of Mines and Minerals, 524 S. 2nd St., Springfield IL 62701. Three public hearings have been scheduled concerning the Part 300 rulemaking as follows: 3/28/96 at 6:30 p.m. at the Waubensee Community College, Route 47 at Harter Rd., Sugar Grove; 4/4/96 at 6:30 p.m. at the Illinois Department of Natural Resources, Office of Mines and Minerals, Jefferson Terrace, 3rd Floor Conference Room, 300 W. Jefferson St., Springfield; 4/11/96 at 6:30 p.m. at the Department's Southern Illinois Regional Office, 503 E. Main St., Benton.

NORTH POINT MARINA

The DEPARTMENT also proposed amending "Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030) to change a designated "No Boat" area at North Point Marina on Lake Michigan. The area would run the length of the beach rather than the 200 yards specified in the current rule.

Questions/requests for copies/comments until 4/29/96: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

BUSINESS

The OFFICE OF THE SECRETARY OF STATE proposed 3 new Parts entitled "Regulations Under the Business Opportunity Sales Law of 1995" (14 Ill Adm Code 135), "Regulations Under the Illinois Business Brokers Act of 1995" (14 Ill Adm Code 140), and "Regulations Under the Illinois Loan Brokers Act of 1995" (14 Ill Adm Code 145). Identical emergency rulemakings were adopted effective 1/1/96, for a maximum of 150 days. Topics covered in these rulemakings include definitions, exemptions, registration of business opportunities or brokers, procedures for administrative hearings, records, service of process, violations, evidentiary matters and non-binding statements, public information, and rules of general application. Small businesses affected by these rulemakings include those offering loan or business brokering to the public.

Questions/requests for copies/comments concerning the 3 rulemakings above until 4/29/96: Michael A. Chizmar, SOS, Illinois Securities Dept., Lincoln Tower, Ste. 200, 520 S. 2nd St., Springfield IL 62701, 217/782-2256.

RULES CORRECTIONS

The OFFICE OF THE ATTORNEY GENERAL adopted an expedited correction for rules entitled "Franchise Disclosure Act" (14 Ill Adm Code 200), effective 1/1/96, to correct nonsubstantive printing errors that created an unintentional discrepancy between the adopted rule and text previously proposed in the *Illinois Register*.

Questions/requests for copies: Robert Tingler, Office of the Attorney General, Franchise Bureau, 100 W. Randolph, Ste. 12-186, Chicago IL 60601, 312/814-3892.

The ILLINOIS LIQUOR COMMISSION has adopted an expedited correction for rules entitled "The Illinois Liquor Control Commission" (11 Ill Adm Code 100), effective 1/2/96, to correct an error in the definition of "sampling".

Questions/requests for copies: Arabel Alva Rosales, Illinois Liquor Control Commission, 100 W. Randolph, Ste. 5-300, Chicago IL 60601, 312/814-3930.

PUBLIC HEARING

The DEPARTMENT OF PUBLIC HEALTH announces public hearings on "Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515) for the purpose of gathering public comment on draft regulations that the Department plans to propose amending Part 515 in order for it to replace Parts 535, 540 and 542, which it plans to repeal. The rulemaking implements Public Act 89-177. The hearings will be held on 4/10/96, 10:00 a.m. to 1:00 p.m., at Wedeberg Conference Center, Rm. E72, Memorial Medi-

Proposed Regulations

cal Center, 800 N. Rutledge,
Springfield IL 62702 and on 4/25/
96, 10:00 a.m. to 1:00 p.m., at

Illinois Hospital Association, 1151 E.
Warrenville Rd., Naperville IL 60566.

Questions/requests for copies:
Gail M. DeVito, DPH, 525 W.
Jefferson, 5th Fl., Springfield IL
62761, 217/782-6187.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The DNR, DOA, labor boards, and DPH Part 670 rulemakings will be considered at the 3/26/96 meeting. The DOL, PCB, DOC, and DPH Part 820 and Part 340 rulemakings are scheduled for the 4/23/96 JCAR meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPT OF CORRECTIONS

"Records of Committed Persons"
(20 Ill Adm Code 107) proposed 1/
5/96 (20 Ill Reg 54)

DEPARTMENT OF NATURAL RESOURCES

"Urban and Community Forestry
Grant Program" (17 Ill Adm Code
1538) proposed 1/19/96 (20 Ill
Reg 973)

DEPT OF AGRICULTURE

"Grain Code" (8 Ill Adm Code 281)
proposed 1/5/96 (20 Ill Reg 1)

Repeal of "Grain Dealers" (8 Ill
Adm Code 600) proposed 1/5/96
(20 Ill Reg 15)

Repeal of "Illinois Grain Insurance
Act" (8 Ill Adm Code 285)
proposed 1/5/96 (20 Ill Reg 25)

Repeal of "Public Grain Ware-
house and Warehouse Receipts
Act" (8 Ill Adm Code 505)

proposed 1/5/96 (20 Ill Reg 33)

ILLINOIS STATE/LOCAL LABOR RELATIONS BOARD

"Freedom of Information" (2 Ill Adm
Code 2501) proposed 1/2/96 (20 Ill
Reg 662)

"General Procedures" (80 Ill Adm
Code 1200) proposed 1/12/96 (20 Ill
Reg 669)

"Public Information, Rulemaking and
Organization" (2 Ill Adm Code 2500)
proposed 1/12/96 (20 Ill Reg 674)

"Representation Proceedings" (80 Ill
Adm Code 1210) proposed 1/12/96
(20 Ill Reg 684)

"Unfair Labor Practice Proceedings"
(80 Ill Adm Code 1220) proposed 1/
12/96 (20 Ill Reg 691)

DEPARTMENT OF PUBLIC HEALTH

"Voter Registration for WIC Appli-
cants and Participants" (77 Ill Adm

Code 670) proposed 10/20/95 (19
Ill Reg 14750)

"Illinois Swimming Pool and Bath-
ing Beach Code" (77 Ill Adm Code
820) proposed 1/19/96 (20 Ill Reg
1164)

"Illinois Veterans' Homes Code"
(77 Ill Adm Code 340) proposed
10/20/95 (19 Ill Reg 14541)

DEPARTMENT OF LABOR

"Health and Safety" (56 Ill Adm
Code 350) proposed 12/22/95 (19
Ill Reg 16758)

POLLUTION CONTROL BOARD

"Definitions and General Provi-
sions" (35 Ill Adm Code 211)
proposed 12/1/95 (19 Ill Reg
15925)

"Visible and Particulate Matter
Emissions" (35 Ill Adm Code 212)
proposed 12/1/95 (19 Ill Reg
15940)

SUBSCRIBER NOTICE

It has come to JCAR's attention
that a few copies of its 2/9/96
Flinn Report were misprinted.
Pages 2, 3, and 4 were text from
the 1/12/96 newsletter rather

than 2/9 material. The misprinted
page 2 began with the heading
"Comptroller". If you received one
of the improperly printed 2/9/96
newsletters, please contact JCAR

at the address above and a
correct one will be mailed to
you. We apologize for any
inconvenience this error has
caused.

Proposed Regulations

requiring staff physicians at ASTCs located in Illinois to be licensed here; and requiring that out-of-state ASTC physicians either be licensed in the state in which they practice or have skilled equivalent privileges at a licensed hospital. Changes also include clarifying that facilities are required to record only known, rather than all, allergies and abnormal drug reactions; deleting the requirement that requests for corrective action plans be reported to the Department; and requiring that providers meet all Department of Professional Regula-

tion requirements in addition to DPA and DPH requirements. Small businesses and not-for-profit corporations affected by this rulemaking include ASTCs.

Questions/requests for copies of the 2 rulemakings above: Joanne Jones at the DPA address above.

DPA PAYMENT LEVELS

The DEPARTMENT OF PUBLIC AID adopted amendments to "General Assistance" (89 Ill Adm Code 114) by

emergency rulemaking, effective 2/28/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. These rulemakings increase the Transitional Assistance Payment Level from \$60 to \$100 per month, effective February 1996.

Questions/requests for copies/comments concerning the proposed rulemaking until 4/29/96: Judy Umunna at the DPA address above.

Proposed Regulations

Questions/requests for copies/comments until 4/29/96: Christopher P. Demeroukas, EPA, Bureau of Air, PO Box 19276, Springfield IL 62794-9276, 217/524-3333. A public hearing has been scheduled for 4/10/96, 1:00 p.m. at the James R. Thompson Center, 100 W. Randolph, Ste. 8-032, Chicago IL 60601.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amending "Pay Plan" (80 Ill Adm Code 310) to reflect salary increases negotiated for Teamsters' Local NR-916 employees in the Department of Natural Resources. Those affected are cartographers, civil engineers and trainees, engineering technicians, and technical managers.

Questions/requests for copies/comments until 4/29/96: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

HEALTH FACILITIES

The HEALTH FACILITIES PLANNING BOARD proposed amendments to the following 3 Parts: "Narrative and Planning Policies" (77 Ill Adm Code 1100), "Processing, Classification Policies and Review Criteria" (77 Ill Adm Code 1110), and "Public Notice of Opportunity for Public Hearing and Public Hearing Procedures" (77 Ill Adm

Code 1200). Part 1100 amendments increase the number of postsurgical recovery care centers from 8 to 12, change the location requirements, and specify one of the Cook County centers shall be owned or operated by a hospital devoted exclusively to children's care. A new section is added to establish the Children's Care Center Alternative Health Care Model. Part 1110 amendments add a new subpart to cover the new children's model, also. Required data and review criteria for non-hospital based ambulatory surgical treatment centers are amended, and subacute care hospital models are allowed 24 months to become operational following permit issuance, rather than 12 months. Part 1200 amendments repeal current provisions for notifying certain agencies, affected persons, and legislators by mail concerning permit applications and opportunities to request a public hearing. Such notice would instead be given through a newspaper announcement in the affected area or community. Small businesses, small municipalities, and not-for-profit corporations affected by these 3 rulemakings include those that own or operate health care facilities.

Questions/requests for copies/comments until 4/29/96: Donald Jones, HFPB, 525 W. Jefferson, 2nd Fl., Springfield IL 62761, 217/782-3516. A public hearing has been scheduled for 4/10/96, 1:30 p.m. at the Hilton

Hotel, 7th and Adams, Springfield.

INSURANCE LICENSURE

The DEPARTMENT OF INSURANCE proposed amendments to "Pre-Licensing and Continuing Education" (50 Ill Adm Code 3119) to remove exceptions to continuing education (CE) requirements and specify 15 hours of CE per year rather than the current 25 hours for the first 4 license renewals only. A new section is added concerning the responsibilities of license applicants and licensed insurance producers. The rulemaking also requires students using self-study courses to pass examinations and specifies certain related exam prohibitions. Also, CE instructors are allowed CE credit for teaching courses, and provider disqualification criteria are amended. Small businesses affected by this rulemaking include insurance producers and continuing education providers.

Questions/requests for copies/comments until 4/29/96: David Van Lieshout (217/782-8216) or Denise Fuchs (217/785-8560), DOI, 320 W. Washington, Springfield IL 62767.

MINING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to rules entitled "Surface-Mined Land Conservation and Reclamation Act"

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY THE AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 11959 - MARCH 1995 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

**Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254**

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

March 22, 1996

Issue 12

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

COMMUNITY BLOCK GRANTS

The DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS adopted amendments to "State Administration of the Federal Community Services Block Grant Program" (47 Ill Adm Code 120), effective 2/28/96, to establish the Micro-Loan Program for micro-loans approved at the grantee level. The program provides that entrepreneurs will be assisted in establishing and expanding business ventures with up to 100% CSBG lending and less demand for collateral. Grantee and loan recipient criteria are specified. Amendments to other provisions of the Part concern assistance to the homeless and migrants; discretionary fund use; application requirements; grantee budget approval; reports; program priorities; hiring requirements; federal waivers; and loan types, approvals, re-use, settlements, and contract provisions. Small businesses and not-for-profit corporations affected by this rulemaking include community action agencies, sole proprietorships, chapter "S" corporations, and general corporations.

Questions/requests for copies: Barbara Beard, DCCA, 620 E. Adams St., 5th Fl., Springfield IL 62701, 217/524-9617, TDD 217/785-6055.

SPORT FISHING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments for "Sport Fishing Regulations for the Waters of Illinois" (17 Ill Adm Code 810), effective 3/6/96, to allow taking of carp, buffalo, suckers, and gar with bow and arrow and other specified devices from May 1 - August 31 and change catch limits for walleye, sauger, or hybrid walleye. Various site-specific regulations are amended, use of a minnow seine in Cook County Forest Preserve District waters is restricted, and free fishing days are set for June 7-10, 1996. Changes in this rulemaking since its proposal include deleting Tremont Pond in Tazewell County from the list of sites to which site-specific water area regulations apply. Statewide restrictions now apply to Tremont Pond.

Questions/requests for copies: Jack Price, DNR, 524 S. 2nd., Rm. 430, Springfield IL 62701-1787, 217/782-1809.

(cont'd next page)

NURSING HOMES

The DEPARTMENT OF PUBLIC AID proposed amendments for "Medical Payment" (89 Ill Adm Code 140) and "Developmental Disabilities Service" (89 Ill Adm Code 144). Part 140 amendments require universal screening for all persons seeking nursing home admission regardless of their financial status. Topics covered include the Level I ID Screen, exceptional circumstances in which mentally retarded or mentally ill persons may be determined to need nursing facility services, Medicaid payment denial if screening does not support the need for nursing facility services, payment dates, utilization reviews, and annual resident status review for developmental disability or mental illness. Provisions concerning Level II assessment for mental retardation or a related condition are stricken from Part 140 and added to Part 144 in a new section called ICF/MR Service Criteria. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include nursing facilities and Medicaid-funded long-term care facilities for persons with developmental disabilities.

Questions/requests for copies/comments concerning the 2 rulemakings above until 5/6/96: Joanne Jones, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞ : Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

GASOLINE

The OFFICE OF THE STATE FIRE MARSHAL adopted amendments to "Storage, Transportation, Sale and Use of Gasoline and Volatile Oils" (41 Ill Adm Code 180) and "Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances" (41 Ill Adm Code 170), effective 3/11/96. Part 180 amendments allow retail fuel dispensing from aboveground tanks into aircraft at public airports that have been approved by the OSFM and DOT's Division of Aeronautics. An installation may have 2 fuel storage tanks with a maximum 10,000 gal. capacity each. Fueling of aircraft from tank trucks is permitted if certain specified standards are met. Part 170 amendments reference the new provisions for airport fueling that are proposed for Part 180. Changes in Part 170 since its proposal include adding safety measures to be followed in the event of a fire suppression system discharge. Several changes were also made in Part 180 relative to retail dispensing of gasoline and volatile oils from aboveground tanks at airports. Small businesses and small municipalities affected by these 2 rulemakings include airports and fixed-base operators at those airports.

Questions/requests for copies of the 2 rulemakings above: Jack Ahern, OSFM, 100 W. Randolph, Ste. 11-800, Chicago IL 60601, 312/814-2693.

HEALTH CARE FACILITIES

The HEALTH FACILITIES PLANNING BOARD adopted amendments to "Processing, Classification Policies and Review Criteria" (77 Ill Adm Code 1110), effective 3/22/96, in response to a ruling by the Illinois 4th District Appellate Court concerning Board review criteria for certificate of need permits. A similar emergency amendment was adopted, effective 4/28/95, for a maximum of 150 days. Criteria for location, staffing, and applicant background are rewritten. Also, renal dialysis facility review criteria are

rewritten to specify how a need for new facilities or additional stations in a planning area will be determined. Criteria for variances to "computed bed need" for long-term care are also amended to specify more fully the documentation required. Review criteria for non-substantive projects are revised, statutory citations are updated, and the appendix listing State and national square footage norms is amended. Since its proposal, changes have been made in this rulemaking relative to review criteria for chronic renal dialysis facility expansion. Small businesses affected by this rulemaking include health care facilities that require permitting by the Board.

Questions/requests for copies: Donald Jones, HFPB, 525 W. Jefferson, 2nd Fl., Springfield IL 62761, 217/782-3516.

MEDICAID

The DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES adopted amendments to "Medicaid Home and Community-Based Services Waiver Program for Individuals with Developmental Disabilities" (59 Ill Adm Code 120), effective 3/8/96, to update the individual eligibility criteria, eligibility determination process, descriptions of covered services, and provider agreements pertaining to the Medicaid waiver program for individuals with developmental disabilities. The rulemaking also extensively amends definitions and specifies that DMHDD and the Department of Public Aid have entered into an interagency agreement concerning their respective roles in this program. New criteria are added to state conditions under which services may be suspended, terminated, or reduced before an appeal's final administrative disposition. DMHDD states the adopted amendments are consistent with the most recent intergovernmental agreement with the U.S. Health Care Financing Administration. Since its proposal, changes have been made in response to public comment in the subpart on general

provisions and individual rights and responsibilities. Several changes were also made for clarity based on discussions with DPA. The section concerning appeal procedures was also rewritten.

Questions/requests for copies: Judith Hollenberg, DMHDD, 401 Stratton Bldg., Springfield IL 62765, 217/785-3313, FAX 217/524-8920.

HOSPITALS

The ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL adopted amendments to "Data Collection" (77 Ill Adm Code 2510), effective 3/6/96, to reflect corrections in the Patient Care Revenues section of the annual financial data report. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include hospitals.

Questions/requests for copies: Britt Hagen, IHCCCC, 4500 S. 6th St. Rd., Springfield IL 62703, 217/786-7001, ext. 103.

POLLUTION CONTROL

The ILLINOIS POLLUTION CONTROL BOARD adopted a repealer of "Public Information, Rulemaking and Organization" (2 Ill Adm Code 2175) and replaced it by adopting "Organization, Public Information, and Types of Proceedings" at the same number, effective 3/5/96. Topics covered include organization of the Board and conduct of PCB meetings, fees and forms of payment, public information, rulemaking, and adjudicatory proceedings. An organizational chart is also included.

Questions/requests for copies: Kathleen Crowley, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6929 or Musette H. Vogel, PCB, 600 S. 2nd St., Ste. 402, Springfield IL 62704, 217/524-8509.

FOSTER CARE AND ADOPTIONS

The DEPARTMENT OF CHILDREN

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The Department of Financial Institutions rulemaking will be considered at the 3/26/96 meeting. The remaining rulemakings are scheduled for the 4/23/96 JCAR meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF FINANCIAL INSTITUTIONS

"Uniform Disposition of Unclaimed Property Act" (38 Ill Adm Code 180) proposed 12/15/95 (19 Ill Reg 16426)

"Reimbursement for Nursing Costs for Geriatric Facilities" (89 Ill Adm Code 147) proposed 12/22/95 (19 Ill Reg 16798)

"Medical Payment" (89 Ill Adm Code 140) proposed 12/22/95 (19 Ill Reg 16778)

DEPARTMENT OF INSURANCE

"Minimum Standards for Individual and Group Medicare Supplement Insurance" (50 Ill Adm Code 2008) proposed 12/15/95 (19 Ill Reg 16430)

"Developmental Disabilities Services" (89 Ill Adm Code 144) proposed 12/22/95 (19 Ill Reg 16765)

"Demonstration Programs" (89 Ill Adm Code 170) proposed 7/21/95 (19 Ill Reg 10381)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Travel" (80 Ill Adm Code 2800) proposed 1/19/96 (20 Ill Reg 942)

"The Travel Regulation Council" (80 Ill Adm Code 3000) proposed 1/19/96 (20 Ill Reg 935)

DEPARTMENT OF NUCLEAR SAFETY

"Licensing Requirements for Land Disposal of Radioactive Waste" (32 Ill Adm Code 601) proposed 1/19/96 (20 Ill Reg 984)

ILLINOIS HEALTH FACILITIES AUTHORITY

"Sale of Bonds" (77 Ill Adm Code 1400) proposed 1/5/96 (20 Ill Reg 91)

DEPARTMENT OF REVENUE

"Retailers' Occupation Tax" (86 Ill Adm Code 130) proposed 12/15/95 (19 Ill Reg 16483)

"Service Occupation Tax" (86 Ill Adm Code 140) proposed 12/15/95 (19 Ill Reg 16500)

DEPARTMENT OF PUBLIC AID

"Aid to Families with Dependent Children" (89 Ill Adm Code 112) proposed 7/21/95 (19 Ill Reg 10363)

"Medical Assistance Programs" (89 Ill Adm Code 120) proposed 1/19/96 (20 Ill Reg 1133)

"Use Tax" (86 Ill Adm Code 150) proposed 12/15/95 (19 Ill Reg 16511)

"Service Use Tax" (86 Ill Adm Code 160) proposed 12/15/95 (19 Ill Reg 16507)

Proposed Regulations

definition section and elaborate on various grant criteria and procedures. New provisions include requiring that the grant applicant be a U.S. citizen or eligible noncitizen, capping private school payments at the maximum cost for a comparable program at a public institution, prorating payments to reflect appropriation levels, capping grants at actual cost, and making payments directly to an institution rather than the student. The rulemaking also specifies that an applicant does not need to be a resident of Illinois at the time of enrollment.

The COMMISSION also proposed amendments to "Police Officer/Fire Officer Survivor Grant Program" (23 Ill Adm Code 2732) to change the Part title to "Grant Program for Dependents of Police or Fire Officers" and to expand grant eligibility to cover dependents of disabled officers in addition to dependents of officers killed in the line of duty. Other amendments parallel those described above for Part 2731.

Questions/requests for copies/comments concerning the 2 rulemakings above until 5/6/96:

Raquel G. Martinez, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500 (ext. 3304).

TOLL HIGHWAY AUTHORITY

The ILLINOIS STATE TOLL HIGHWAY AUTHORITY proposed amendments to "State Toll Highway Rules" (92 Ill Adm Code 2520) to add a new subpart concerning video surveillance of a motorist's failure to pay a toll and subsequent penalty assessment. Topics covered include definitions, notices, discovery, hearings, defaults, continuances, and final order enforcement.

Questions/requests for copies/comments until 5/6/96: George J. Sotos, ISTHA, One Authority Dr., Downers Grove IL 60515, 708/241-6800.

RULE WITHDRAWN

The DEPARTMENT OF PROFESSIONAL REGULATION has withdrawn amendments for rules entitled "Pharmacy Practice Act of 1987" (68 Ill Adm Code 1330) that were proposed in the 2/16/96 *Illinois Register* at 20 Ill Reg 3041. The proposed amendments established procedures by which a pharmacist or pharmacist's assistant may counsel

patients or their caregivers concerning their prescription medications. The Department states that opposition from DPA and the Illinois Pharmacists Assoc. caused the State Board of Pharmacy to recommend withdrawal until the issues can be resolved.

Questions/requests for copies: Jean A. Courtney at the DPR address above.

PUBLIC HEARING

The ENVIRONMENTAL PROTECTION AGENCY announces a public hearing for proposed amendments to "Procedures to be Followed in the Performance of Annual Inspections of Motor Vehicle Exhaust Emissions" (35 Ill Adm Code 276) that appeared in last week's *Illinois Register* at 20 Ill Reg 4100. The hearing will be 4/10/96 at 1:00 p.m., James R. Thompson Center, 100 W. Randolph, Rm. 8-032, Chicago IL 60601.

Questions/requests for copies: Christopher P. Demeroukas, EPA, Bureau of Air, PO Box 19276, Springfield IL 62794-9276, 217/524-3333.

Proposed Regulations

AND FAMILY SERVICES adopted amendments to "Placement and Visitation Services" (89 Ill Adm Code 301) and "Services Delivered by the Department" (89 Ill Adm Code 302), effective 3/15/96, to change foster care and adoption placement criteria for children. Part 301 strikes the requirement that a home providing substitute care shall closely approximate the religious, racial, ethnic, and cultural background of the child. A new criterion states that prospective foster or adoptive parents shall "meet the needs" of a child's cultural, ethnic, and racial background. Part 302 makes the list of criteria to be considered in adoptive placements permissive rather

than mandatory and provides that the adoptive family may be one that has the ability to "meet the needs" of the child's cultural, ethnic, and racial background. The previous criterion stated that the family shall "provide an environment which would preserve" the child's cultural, ethnic, and racial background.

CHILD ABUSE/NEGLECT

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to "Appeal of Child Abuse and Neglect Investigation Findings" (89 Ill Adm Code 336) by emergency rulemaking, effective March

15, 1996, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. These rulemakings change the standard of proof to be applied in administrative hearings on indicated findings of child abuse or neglect from the credible evidence standard to a preponderance of the evidence.

Questions/request for copies/comments concerning the proposed rulemaking until 5/6/96: Jacqueline Nottingham, Office of Rules and Procedures, DCFS, 406 E. Monroe, Station #222, Springfield IL 62701-1498, 217/524-1983, FAX 217/524-3715.

Proposed Regulations

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments for "Pay Plan" (80 Ill Adm Code 310) to add salary ranges for Fiscal Year 1997 and add a step to keep entry-level salaries frozen at the previous level. The category of Public Service Administrator is changed to Broad-Band Pay Range and categories labeled "human resources representative" and "human resources specialist" are added with salary range maximums of \$3,436/mo. and \$4,087/month. According to DCMS, these 2 new broad classes will replace 14 current personnel and labor relations titles. Also, under part-time daily or hourly special services rate, the maximum for a physician specialist is increased from \$85/hr. to \$115/hour.

Questions/requests for copies/comments until 5/6/96: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

CHILD ABUSE REPORTING

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amending "Reports of Child Abuse and Neglect" (89 Ill Adm Code 300) to add

funeral home directors or their employees to the list of persons mandated to report suspected child abuse or neglect. Small businesses affected by this rulemaking include funeral homes.

Questions/requests for copies/comments until 5/6/96: Jacqueline Nottingham at the DCFS address above.

PSYCHOLOGIST LICENSURE

The DEPARTMENT OF PROFESSIONAL REGULATION proposed an amendment to rules entitled "Clinical Psychologist Licensing Act" (68 Ill Adm Code 1400) to add a "senior psychologist" category for persons who have been licensed in clinical psychology for at least 20 consecutive years in the United States or Canada. Application procedures are specified. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of a clinical psychologist.

Questions/requests for copies/comments until 5/6/96: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0800, FAX 217/782-7645.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES proposed a new Part entitled "Centers for Independent Living" (89 Ill Adm Code 886) to replace current Part 885 of the same title. The new Part reflects 1992 federal amendments governing such centers by reducing review criteria for new center applicants to 7 areas. After initial review, a center that meets compliance criteria would be subject to a more streamlined review process in subsequent years. The new Part also deletes a number of forms that are included in the current rules. Not-for-profit corporations affected by this rulemaking include independent living centers.

Questions/requests for copies/comments until 5/6/96: Susan Warrner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

STUDENT SCHOLARSHIPS

The ILLINOIS STUDENT ASSISTANCE COMMISSION proposed amendments for "Grant Program for Dependents of Correctional Officers" (23 Ill Adm Code 2731) to add a

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12005 - MARCH 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

**Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254**

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
APR 06 1995
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

348.02
IL6x

The Flinn Report

DOC

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

March 29, 1996

Issue 13

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

Proposed Regulations

New Regulations

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted an amendment to "Medical Assistance Programs" (89 Ill Adm Code 120), effective 3/20/96, to allow a further 2-year restriction of medical services under specified conditions for a client already found to be overutilizing or abusing medical services. The Department's authorization to designate the client's primary care physician and/or primary care pharmacy is expanded to include primary care "provider" or HMO. Primary care provider is defined. Also, the client is allowed to change DPA's initial designation once without cause and subsequently for cause if specified circumstances are verified. Small businesses affected by this rulemaking include health care providers and pharmacies.

Questions/requests for copies: Judy Umunna, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-3215.

TOURISM

The DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS adopted

amendments to "Illinois Promotion Act Programs" (14 Ill Adm Code 510), effective 3/11/96, to increase the maximum matching tourism grant or loan amount from \$40,000 to \$100,000. Small municipalities affected by this rulemaking include those seeking tourism grants or loans.

Questions/requests for copies: Barbara Bear, DCCA, 620 E. Adams St., Springfield IL 62701, 217/524-9617, TDD 217/785-6055.

BANKS AND TRUSTS

The COMMISSIONER OF BANKS AND TRUST COMPANIES adopted a new Part entitled "Standards for Operation and Conduct of Affairs of Corporate Fiduciaries" (38 Ill Adm Code 399), effective 3/15/96, to bring such standards together under one Part. Topics covered include definitions and limitations on a trust company's authority to invest for its own account. The rulemaking specifies that a trust company shall be subject to the same limitations and conditions with respect to such investments as state banks under the Banking Act.

(cont'd next page)

TAXES

The DEPARTMENT OF REVENUE proposed a new Part entitled "General Rules for All Taxes" (86 Ill Adm Code 800) to address tax administration policies not limited to any particular tax. The rulemaking allows taxpayers to file returns or other documents by facsimile only upon the request of the Department. DOR will not accept requests for permission to file such material from a taxpayer or taxpayer representative or unsolicited facsimile transmittals. Any small business or not-for-profit corporation requested by DOR to file a return or other document by facsimile may be affected by this rulemaking.

DOR proposed amendments for "Payment of Taxes by Electronic Funds Transfer" (86 Ill Adm Code 750) to add PST-1 and PST-3 return payments to those that must be made through electronic funds transfer by taxpayers over certain specified statutory thresholds. The rulemaking also clarifies that a service group or agent may not sign an authorization agreement for electronic funds transfer on behalf of a taxpayer. Any small business required to make tax payments by electronic funds transfer may be affected by this rulemaking.

The DEPARTMENT also proposed an amendment to "Retailers' Occupation Tax" (86 Ill Adm Code 130) to add

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

Questions/requests for copies: Patrick F. Andre, CBTC, 310 S. Michigan Ave., Ste. 2130, Chicago IL 60604, 312/793-2043

MEAT AND POULTRY

The DEPARTMENT OF AGRICULTURE adopted an amendment for rules entitled "Meat and Poultry Inspection Act" (8 Ill Adm Code 125) by peremptory rulemaking, effective 3/19/96. Federal amendments adopted 2/20/96 are added to the Illinois regulations to allow use of the fast antimicrobial screen test (FAST) in the bob veal calf residue testing program. According to DOA, this rulemaking allows the FAST test to be substituted

for the currently used calf antibiotic and sulfonamide test (CAST). Small businesses affected by this rulemaking include meat processors.

Questions/requests for copies: Debbie Wakefield, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

HUMAN RIGHTS

The DEPARTMENT OF HUMAN RIGHTS adopted an amendment by emergency rulemaking to "Procedural" (56 Ill Adm Code 2520), effective 3/15/96. An identical proposed rulemaking appears in this issue of the *Illinois*

Register. Concerning fact-finding conferences, the rulemaking requires that after 1/1/96, failure of a party to attend a conference without good cause shall result in case dismissal or default. Good cause is defined. Small businesses, not-for-profit corporations, and small municipalities affected by these rulemakings include those subject to the Illinois Human Rights Act.

Questions/requests for copies/comments concerning the proposed rulemaking until 5/13/96: David T. Rothal, DHR, 100 W. Randolph, Ste. 10-100, Chicago IL 60601, 312/814-6242, TDD 312/263-1579.

Proposed Regulations

modifications to a motor vehicle to make it usable by a disabled person to the list of items that qualify for the low tax rate applicable to certain medical appliances and supplies. It also clarifies that diapers and undergarments for incontinent adults are included. Additionally, the rulemaking changes the definition of "food for human consumption that is to be consumed off the premises where it is sold" (thus, coming under the 1% tax rate) to include all food sold through a vending machine regardless of the vending machine's location. Exceptions are made for vending machine soft drinks and food products that are dispensed hot from the machine. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include small vending machine businesses and businesses that sell medical appliances and supplies.

Questions/requests for copies/comments concerning the 3 rulemakings above until 5/13/96: Keith Staats (217/782-6336) for Parts 750 and 800, Terry Charlton (217/782-6996) for Part 130, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794.

BANKING

The COMMISSIONER OF BANKS AND TRUST COMPANIES proposed the repeal of "Electronic Fund Transfers" (38 Ill Adm Code 310) and replacement with a new Part 315 of the same name. The new Part retains current rules concerning arbitration of disputes, and the Commissioner's examination of any network or switch involving a financial institution that has established a terminal in Illinois is made permissive rather than mandatory. Certain regulations concerning automatic teller machines, point of sale terminals, consumer protection, funds transfer corporations and transmission facilities, proprietary networks and similar facilities, and interstate sharing agreements are not retained in the new Part.

Questions/requests for copies/comments until 5/13/96: Scott D. Clarke, CBTC, 500 E. Monroe St., Springfield IL 62701, 217/782-7966, or Patrick Andre at the Chicago address above.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL

MANAGEMENT SERVICES proposed amending "Standard Procurement" (44 Ill Adm Code 1) to authorize State agencies to procure goods and services from qualified vendors with an approved supported employment workforce (SEV) without having to seek competitive bids. Agencies also would be allowed to award a contract to a SEV in a competitive procurement process even if the SEV is not the low bidder when certain specified requirements are met. Small businesses and not-for-profit corporations affected by this rulemaking include qualified SEV vendors who desire State contracts for goods or services.

DCMS also proposed an amendment to rules entitled "The Travel Regulation Council" (80 Ill Adm Code 3000) to allow individual travel boards to set reimbursement rates for use of privately owned aircraft while on State business, not to exceed the federal government rate. Small businesses, not-for-profit corporations, and small municipalities affected by this rulemaking include those that provide transportation to State employees for State business.

JCAR Meeting Action

tions of the administrative determination of paternity beyond public assistance eligibility; the opportunity to modify administrative support orders if circumstances change; the possibility of rescheduling interviews; the fact that a person signing a voluntary affidavit of paternity waives recourse through the courts on the issue of paternity; and the extent to which DPA is authorized to represent the client's interests.

JCAR objects to the emergency rulemaking entitled "General Assistance" (89 Ill Adm Code 114; 20 Ill Reg 4445) because, while Public Act 89-21 specifically authorizes the Department to reduce payment levels to Transitional Assistance recipients within a fiscal year to avoid exceeding the appropriated funds for this program, it does not authorize the Department to increase those payment levels. If excess funds are available within this appropriation, the General Assembly, utilizing its broad knowledge of the financial needs being addressed throughout State government, will determine how those funds are to be reallocated.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JCAR objects to the emergency rulemaking for "Background Checks" (89 Ill Adm Code 385; 20 Ill Reg 3930) for the following reasons:

Contrary to the requirements of 5-45 of the Illinois Administrative Procedure Act (IAPA), no emergency exists that requires the inclusion within this rule of a provision requiring certification by the license applicant that he or she is not more than 30 days

delinquent in complying with a child support order. That requirement was mandated by HB 2486/PA 87-412 (Currie/Cullerton, effective 1/1/92), fully 4 years before this emergency rule was adopted. Four years is enough time to use general rulemaking.

The rules do not clearly reflect what has evolved as the Department's actual policy. The Notice for the emergency rules specifies that they apply to child care facility licensure applicants and other persons subject to background checks. The public has not known how to interpret the other persons language. If DCFS means to limit the fingerprint requirement to new license applicants and new hires, because to cover the over 175,000 current licensees at the same time would overload the Livescan vendors, DCFS needs to amend the rule in response to this objection to specifically delineate the persons it currently wants to submit to background checks.

The emergency rules also require that conditional employees (i.e., new hires, temporary replacements, volunteers, assistants and work study students who have been fingerprinted but for whom the criminal background check results have not been received) not be left alone with children. Because of public claims that this requirement is "too onerous", DCFS has implemented a policy that allows these persons to be left alone with children when they have been checked through the Child Abuse and Neglect Tracking System (CANTS) and have submitted fingerprints for the criminal history check. This policy should be established in rules.

The rules specify that background checks may be required for pur-

chase-of-service providers (i.e., contractors who perform DCFS staff responsibilities) who have contact with children as part of their duties. However, the rule includes no standards by which DCFS will determine for whom background checks are required.

JCAR also recommends for the same emergency rulemaking that DCFS seek specific statutory authority to require background checks on purchase-of-service providers who have contact with children as part of their duties and to include drug offenses as a bar to licensure or employment in a child care facility. The emergency rules include both of these issues, but no statutory authority exists for either.

DEPT OF CORRECTIONS

Concerning the rulemaking entitled "Public Relations" (20 Ill Adm Code 103; 19 Ill Reg 15567), the Committee recommends that, before its adoption, the Department of Corrections meet with public commentators, including but not limited to the Chicago Headline Club, the Illinois Press Association and the National Society of Professional Journalists, in an attempt to negotiate amendments to provide that face-to-face media interviews with committed persons under a sentence of death be granted on a case-by-case basis under acceptable standards by which discretion may be exercised, rather than categorically prohibiting such interviews, which would severely and arbitrarily inhibit the free flow of information to the public.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 4/23/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

13

DEPARTMENT OF CORRECTIONS

"Secure Residential Youth Care Facility" (20 Ill Adm Code 801) proposed 1/26/96 (20 Ill Reg 1371)

DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 1/26/96 (20 Ill Reg 1489)

DEPARTMENT OF NATURAL RESOURCES

"Implementation Procedures for the Interagency Wetlands Policy Act" (17 Ill Adm Code 1090) proposed 10/13/95 (19 Ill Reg 14238)

"Camping on Department of Conservation Properties" (17 Ill Adm Code 130) proposed 2/2/96 (20 Ill Reg 1709)

CAPITAL DEVELOPMENT BOARD

Repeal of "Insurance and Surety Companies" (44 Ill Adm Code 1050) proposed 2/2/96 (20 Ill Reg 1702)

DEPARTMENT OF PUBLIC AID

"Medical Payment" (89 Ill Adm Code 140) proposed 1/19/96 (20 Ill Reg 1146)

SECRETARY OF STATE

"Business Corporation Act" (14 Ill Adm Code 150) proposed 2/2/96 (20 Ill Reg 1750)

"General Not For Profit Corporations" (14 Ill Adm Code 160) proposed 2/2/96 (20 Ill Reg 1768)

"Limited Liability Company Act" (14 Ill Adm Code 178) proposed 2/2/96 (20 Ill Reg 1773)

"Revised Uniform Limited Partnership Act" (14 Ill Adm Code 170) proposed 2/2/96 (20 Ill Reg 1779)

"Uniform Commercial Code" (14 Ill Adm Code 180) proposed 2/2/96 (20 Ill Reg 1787)

Proposed Regulations

Questions/requests for copies/comments concerning the 2 rulemakings above until 5/13/96: Stephen W. Seiple, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/782-9669.

IMMUNIZATIONS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Child Health Examination Code" (77 Ill Adm Code 665) and "Immunization Code" (77 Ill Adm Code 695). Both Parts specify that "school" includes nursery schools, pre-school programs, early childhood programs, Head Start, early intervention programs serving children at home, or other pre-kindergarten child care programs offered by any public, private/independent, or parochial school or school district. The rulemakings also clarify the required content of objections to health screenings, exams, and immunizations on religious grounds and specify that the local school authority is responsible for determining whether a religious objection is valid. Part 665 also adds mumps, Haemophilus influenza type b, and hepatitis B to the list of immunizations that a child must have before entering school. Part 695 adds hepatitis B to the list of basic immunizations and prescribes the required schedule. Also, the mumps, measles, and polio immunization schedules are changed. Small businesses, small municipalities, and not-for-profit corporations affected by

these rulemakings include those providing immunization services.

NURSING SCHOLARSHIPS

DPH also proposed amendments to "Nursing Education Scholarships" (77 Ill Adm Code 597) to delete the requirements that (1) a scholarship applicant be in the upper half of his or her high school class or be a licensed practical nurse and (2) an applicant first complete the high school or alternative high school program. The rulemaking also adds referral to DPR for licensure sanctions as an option if a scholarship recipient fails to repay monies owed to the Department.

Questions/requests for copies/comments concerning the 3 rulemakings above until 5/13/96: Gail DeVito, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES proposed the repeal of "Centers for Independent Living" (89 Ill Adm Code 885). The Department proposed a new Part 886 of the same name in last week's *Illinois Register*. The new Part reflects 1992 federal amendments governing such centers. Not-for-profit corporations affected by this rulemaking include independent living centers.

Questions/requests for copies/comments until 5/13/96: Susan Warrner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

PUBLIC HEARING

The DEPARTMENT OF LABOR announces a public hearing on a proposed new Part entitled "Personnel Records Review Act" (56 Ill Adm Code 355) that appeared in the 3/1/96 *Illinois Register*. The hearing is scheduled for 4/26/96 at 10:00 a.m., DOL, 160 N. LaSalle, Ste. C-1300, Chicago. The rulemaking provides standards for administration and enforcement of the Personnel Records Review Act. Topics covered include definitions, personnel record inspection and copying, exceptions to an employee's right to inspect personnel records, personnel record use in judicial and quasi-judicial proceedings, personnel record correction, disclosure of disciplinary actions, records of nonemployment activities, and complaint procedures. Small employers who employ fewer than 5 employees, exclusive of immediate family, are not covered by this rulemaking. All other small businesses, small municipalities, and not-for-profit corporations are affected.

Questions/requests for copies: Scott D. Miller, DOL, 160 N. LaSalle, Ste. C-1300, Chicago IL 60601, 312/793-1805.

JCAR Meeting Action

At its meeting on March 26, 1996, the Committee issued 4 Objections and 2 Recommendations on the 4 rulemakings below. The agencies have 90 days in which to respond concerning proposed rulemakings. Emergency rulemakings are already in effect for a maximum of 150 days at the time of JCAR review, but may be modified in response to a JCAR Objection.

DEPARTMENT OF PUBLIC AID

JCAR objects to Sections 160.61(c) and 160.62 of "Child Support Enforcement" (89 Ill Adm Code 160; 19 Ill Reg 15347). Public Act 89-6 clearly states that the Demonstration Program

established by this rulemaking is conditioned upon receipt of federal waivers, but those waivers have not been received.

In addition, the Joint Committee on Administrative Rules objects to the

rulemaking above because it fails to require that DPA inform clients of: good cause exemptions from the requirement that they comply with the Continued Eligibility Demonstration Program; options to cooperation with paternity establishment; legal implica-

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12096 - MARCH 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

**Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254**

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
APR 11 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

78.02
16x

The Flinn Report

DOC

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

April 4, 1996

Issue 14

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

TAXES

The DEPARTMENT OF REVENUE adopted amendments to "Retailers' Occupation Tax" (86 Ill Adm Code 130) and "Service Occupation Tax" (86 Ill Adm Code 140), effective 3/26/96, to provide an exemption for retailers' occupation tax and service occupation tax on sales of semen used for artificial insemination of livestock for direct agricultural production. Also, beginning with taxable year 1995 and ending with taxable year 2004, the rulemaking exempts such taxes for sales of personal property that is (1) donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area; or (2) used in performance of infrastructure repairs in this State necessitated by a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6

months of the disaster. Certification requirements for such sales are also specified. Small businesses affected by these rulemakings include businesses that sell tangible personal property or semen used for artificial insemination of livestock.

Questions/requests for copies of the 2 rulemakings above: Gina Roccaforte, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

9-1-1-EMERGENCY SYSTEMS

The ILLINOIS COMMERCE COMMISSION repealed "Standards of Service Applicable to 9-1-1 Emergency Systems (General Order 207)" (83 Ill Adm Code 725) and replaced it by adopting a new Part of the same number entitled "Standards of Service Applicable to 9-1-1 Emergency Systems", effective 4/1/96, to reflect both current law and the current state of the telecommunications industry. Topics covered include authorization, management and staffing, standards of service, engineering, operations, and surcharges. Changes in this rulemaking since its proposal include adding a separate section on compliance waiv-

(cont'd next page)

TOBACCO & FUEL TAXES

The DEPARTMENT OF REVENUE proposed a new Part entitled "Tobacco Products Tax Act of 1995" (86 Ill Adm Code 660) to implement a tax equal to 18% of tobacco products' wholesale price upon the last distributor who sells to a retailer or consumer in Illinois. Topics covered include definitions, distributor license requirements, tax filing, recordkeeping, credits or refunds, and exempt sales. Small businesses affected by this rulemaking include tobacco product distributors.

The DEPARTMENT also proposed an amendment to "Motor Fuel Tax" (86 Ill Adm Code 500) to specify that the lessee (carrier) will be responsible for reporting and paying fuel use tax in the absence of a written agreement or contract with the lessor (an independent contractor under a long-term lease of over 30 days) that states otherwise. The same rule applies if the document is silent regarding such payment responsibility. Small businesses, not-for-profit corporations, and small municipalities affected by this rulemaking include motor carriers using independent contractors under long-term leases of 30 days or more.

Questions/requests for copies/comments concerning the 2 rulemakings above until 5/20/96: Gina Roccaforte at the DOR address above.

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

ers that conforms more closely to statutory provisions. Small businesses and small municipalities affected by these rulemakings include local exchange telecommunications carriers and operators of emergency telephone systems.

Questions/requests for copies: Conrad Rubinkowski, ICC, 527 E. Capitol Ave., PO Box 19280, Springfield IL 62794-9280, 217/785-8439.

COMMUNITY CARE PROGRAM

The DEPARTMENT ON AGING

adopted amendments to "Community Care Program" (89 Ill Adm Code 240) by emergency rulemaking, effective 3/22/96, for a maximum of 150 days, in order to provide alternative criteria applicable to assets of applicants/clients of the Community Care Programs (CCP). Identical proposed amendments appear in this issue of the *Illinois Register*. The rulemakings add the following 3 additional criteria for CCP eligibility of a married applicant/client: the spouse is in a nursing home, the spouse does not reside on a permanent basis with the applicant/client, or the spouse is potentially

abusing the applicant/client. Current rule criteria concerning spouses includes only a spouse receiving CCP services. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of case coordination units.

Questions/requests for copies/comments concerning the proposed rulemaking until 5/20/96: Pamela W. Balmer, DoA, 421 E. Capitol Ave., #100, Springfield IL 62701-1789, 217/785-3346.

Proposed Regulations

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to "Pay Plan" (80 Ill Adm Code 310) to add designated pay rates for DCCA economic development representative II and private secretary II; DMHDD medical administrator II, option D; and DOR public service administrator. Various other designated pay rates are increased. Provision is also made to include at half rate the sick leave earned and not taken since 1/1/84 when computing lump sum payments. Additionally, the rulemaking adds definitions for "in-hiring rate" and "merit pay zone limit" and specifies how the zone limit concept applies to salary reductions.

Questions/requests for copies/comments until 5/20/96: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments for "Construc-

tion and Filing of Accident and Health Insurance Policy Forms" (50 Ill Adm Code 2001). References to family group insurance are deleted because, according to DOI, family groups are now covered under the individual category. Provisions concerning funeral benefits, grace periods, benefit reductions, and policy form revisions are also amended. The Department states that benefit reductions subsequent to policy issuance and form revisions will be reviewed in accordance with Part 916 standards.

Questions/requests for copies/comments until 5/20/96: Denise Fuchs, DOI, 320 W. Washington, Springfield IL 62767, 217/785-8560.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES proposed amendments to "Eligibility" (89 Ill Adm Code 682) to specify that an individual cannot receive services through the DORS Home Services Program if he or she is also receiving services through any other agency's home care

program that seeks reimbursement through a Medicaid waiver. A specific list of programs is deleted.

DORS is also proposing to repeal rules entitled "Illinois Children's School and Rehabilitation Center's Respite Program" (89 Ill Adm Code 787) because the program no longer exists.

Questions/requests for copies/comments concerning the 2 rulemakings above until 5/20/96: Susan Warner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

FIDUCIARIES

The COMMISSIONER OF BANKS AND TRUST COMPANIES proposed an amendment to "Hearings for Removal of Directors, Officers, Employees or Agents of a State Bank" (38 Ill Adm Code 900) to clarify that such removal hearings apply to corporate fiduciaries as well as State banks.

Questions/requests for copies/comments until 5/20/96: Scott D. Clarke,

Proposed Regulations

CBTC, 500 E. Monroe St., Springfield IL 62701, 217/782-7966, or Patrick F. Andre (312/793-2043).

DCFS PLACEMENTS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed an amendment for "Licensing Standards for Foster Family Homes" (89 Ill Adm Code 402). Harboring a runaway, indecent solicitation of an adult, solicitation of a sexual act, and predatory criminal sexual assault of a child are added to criminal convictions that prevent foster home licensure or permits. An emergency rulemaking to this effect was adopted in February. The rulemaking is also amended to reference and conform to Part 385 concerning background check procedures.

CRIMINAL HISTORY CHECKS/ CHILD SUPPORT

DCFS also proposed amendments for "Background Checks" (89 Ill Adm Code 385). Similar emergency amendments were adopted in March. DCFS states that this Part is being expanded in order to consolidate all background checks required of service providers and licensees who have contact with children. If the child care facility operates in a family home, all household members age 13 and over are subject to checks, and DCFS may require purchase-of-service providers who have contact with children as part of their duties to authorize background checks. The rulemaking defines background check to mean a criminal history check via fingerprints of persons age 18 or over and a Law Enforcement Agency Data System (LEADS) check of persons age 13 through 17. Three other components of the check are the Child Abuse and Neglect Tracking System (CANTS) to determine whether an individual has

been alleged or indicated as a child abuse or neglect perpetrator, the Statewide Child Sex Offender Database, and a check of child support records to determine whether a licensee or license applicant is delinquent in paying child support. Other topics covered include criminal convictions preventing licensure or employment, waivers, and DCFS review of license denial decisions. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those providing the services of day care homes, group day care homes, day care centers, for-profit child welfare agencies, day care agencies, group homes, and child care institutions. Entities that are not licensed child care facilities, but which have contracts with the Department that include background checks as a condition of the contract, are also affected.

The DEPARTMENT proposed amendments for the following 7 Parts to lengthen licensure periods and require that all prospective and current employees (and sometimes volunteers and household members) in the facilities listed below submit to fingerprinting and authorize background checks if they have contact with children: "Licensing Standards for Child Care Institutions and Maternity Centers" (89 Ill Adm Code 404), "Licensing Standards for Child Welfare Agencies" (89 Ill Adm Code 401), "Licensing Standards for Day Care Agencies" (89 Ill Adm Code 405), "Licensing Standards for Day Care Homes" (89 Ill Adm Code 406), "Licensing Standards for Group Day Care Homes" (89 Ill Adm Code 408), "Licensing Standards for Group Homes" (89 Ill Adm Code 403), and "Licensing Standards for Youth Emergency Shelters" (89 Ill Adm Code 410). The rulemakings require a licensure appli-

cation to include a list of all employees subject to background checks and their authorizations to conduct such checks. Also, amendments specify that when DCFS revokes or refuses to renew a license, the applicant must wait at least a year to apply for a new license. If there is an on-site supervisor, certain facilities are allowed to employ child care workers as young as 18 rather than 21. Additionally, Part 408 adds an appendix specifying the abuse, neglect, or criminal history which may prevent day care home licensure or employment, and Part 406 adds day care home licensure standards concerning staff first-aid and emergency medical training. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those providing child care services in the types of licensed facilities listed above.

Questions/requests for copies/comments concerning the 9 rulemakings above until 5/20/96: Jacqueline Nottingham, DCFS, 406 E. Monroe, Station 222, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715. Six evening public hearings at 7:00 p.m. to 9:00 p.m. are scheduled as follows for this group of rulemakings: Rockford, 4/1/96, Sweden House, 4605 East State; Chicago, 4/2/96, Quality Inn, One S. Halsted; Springfield, 4/4/96, State House, Rm. 114, Monroe and 2nd St.; Collinsville, 4/8/96, Quality Inn, 475 N. Bluff; Marion, 5/1/96, Marion Holiday Inn, Highway 57 and Route 13; and Peoria, 5/6/96, Holiday Inn City Center, 500 Hamilton Blvd.. Two afternoon hearings are scheduled at 2:00 p.m. to 4:00 p.m. in Chicago, 4/30/96, Thompson Center Aud., 100 W. Randolph and in Springfield, 5/8/96, Howlett Bldg. Aud., 2nd and Edwards. If translation or interpretation services are needed, contact the DCFS Springfield office at the address above.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 4/23/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

OFFICE OF THE STATE FIRE MARSHAL

"Boiler and Pressure Vessel Safety" (41 Ill Adm Code 120) proposed 8/25/95 (19 Ill Reg 12159)

DEPARTMENT OF NUCLEAR SAFETY

"Registration of Radioactive Material, Radiation Machines, and Radiation Installations" (32 Ill Adm Code 320) proposed 2/9/96 (20 Ill Reg 2326)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

"State Administration of the Federal Community Development Block Grant Program for Small Cities" (47 Ill Adm Code 110) proposed 1/19/96 (20 Ill Reg 947)

POLLUTION CONTROL BOARD

"Water Quality Standards" (35 Ill Adm Code 302) proposed 1/26/96 (20 Ill Reg 1445)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Services Delivered by the Department" (89 Ill Adm Code 302) proposed 12/15/95 (19 Ill Reg 16338)

DEPARTMENT OF INSURANCE

"Required Procedure for Filing and Securing Approval of Life Insurance, Annuity and Accident and Health Insurance, Voluntary Health Services Plans, Vision Service Plans, Dental Service Plans, Pharmaceutical Service Plans, Limited Health Service Organizations and Health Maintenance Orga-

nizations Policy Forms" (50 Ill Adm Code 916) proposed 12/1/95 (19 Ill Reg 15881)

DEPARTMENT OF NATURAL RESOURCES

"White-Tailed Deer Hunting by Use of Bow and Arrow" (17 Ill Adm Code 670) proposed 2/9/96 (20 Ill Reg 2278)

"White-Tailed Deer Hunting by Use of Muzzleloading Rifles" (17 Ill Adm Code 660) proposed 2/9/96 (20 Ill Reg 2303)

"White-Tailed Deer Hunting by Use of Firearms" (17 Ill Adm Code 650) proposed 2/9/96 (20 Ill Reg 2287)

DEPARTMENT OF PUBLIC AID

"Medical Payment" (89 Ill Adm Code 140) proposed 1/26/96 (20 Ill Reg 1466)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12175 - APRIL 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
APR 19 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

378.02
IL6X

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

April 12, 1996


Issue 15

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted amendments to 3 Parts entitled "Demonstration Programs" (89 Ill Adm Code 170), "Aid to Families with Dependent Children" (89 Ill Adm Code 112), and "Related Program Provisions" (89 Ill Adm Code 117), effective 3/30/96. Part 170 adds a new demonstration program called Quarterly Reporting - Failure to Report Employment Demonstration Project that will operate in DPA offices in Englewood, South Suburban, Uptown, Kankakee, Peoria, and DuPage and McLean counties. Assistance units that contain an employed or recently unemployed member must report quarterly rather than monthly, and benefits will be calculated prospectively. Clients failing to report earnings that are discovered via crossmatch with Department of Employment Security records will have benefits cancelled and will be liable for overpayments dating to the beginning of the quarter. Clients experiencing an income decrease below anticipated income levels may be eligible for a supplemental payment. Part 117 reinstatement provisions and Part 112 retrospective budgeting provisions are

amended to exempt clients in the new  OPTOMETRISTS quarterly program.

Part 170 also establishes the Get a Job Initiative (GJI) and Targeted Work Initiative (TWI). The first initiative immediately places employable AFDC recipients with children ages 5-12 in job search activities. TWI requires AFDC recipients whose youngest children are age 13 or older to find work and stay employed as a condition of receiving welfare. Eligibility, job search requirements, employment referrals, sanctions for failure to accept employment, and educational options are covered. Changes in Part 170 since its proposal include increasing the timeline for the GJI and TWI statewide demonstration programs from four to five years; changing the beginning dates of the demonstration programs from 9/1/95 to 11/1/95 for GJI and from 2/1/96 to 12/95 for TWI, and changing the research sites for all 3 projects. Concerning the Quarterly Reporting program, provisions for supplemental payments are changed, also. The adopted rulemaking text as printed in this week's *Illinois Register* inadvertently omits the section for the Quarterly Reporting program. It will be included

(cont'd next page)

Proposed Regulations

The DEPARTMENT OF PROFESSIONAL REGULATION proposed amending rules entitled "Controlled Substances Act" (77 Ill Adm Code 3100) and "Optometric Practice Act of 1987" (68 Ill Adm Code 1320). Part 3100 adds therapeutically certified optometrists to the definition of "individual practitioner", thus bringing them under the controlled substances licensure regulations. Part 1320 requires such optometrists to have a controlled substance license in accordance with Part 3100 rules in order to prescribe certain non-narcotic controlled substance oral analgesic therapeutic ocular pharmaceutical agents. Small businesses, small municipalities, and not-for-profit corporations affected by these 2 rulemakings include those providing the services of optometrists.

Questions/requests for copies/comments concerning the 2 rulemakings above until 5/28/96: Jean A. Courtney at the DPR address below.


PAY PLAN

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed an amendment for "Pay Plan" (80 Ill Adm Code 310) to change the special services payment rate for apiary inspectors from \$32-\$50 daily to \$8.28-\$10.15 hourly.

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

 : Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of *Illinois Regulation* or the *Illinois Register* will expedite the process.

New Regulations

in next week's *Illinois Register* through a Notice of Publication Error by JCAR.

PATERNITY & CHILD SUPPORT

DPA also adopted amendments to "Child Support Enforcement" (89 Ill Adm Code 160) and "Practice in Administrative Hearings" (89 Ill Adm Code 104), effective 3/28/96, to replace identical emergency amendments adopted 10/30/95. The rulemakings implement Public Act 89-6 and Public Act 88-687 by developing an administrative process to establish paternity or child support obligations. Part 104 adds 4 new sections concerning hearings on petitions for release from administrative paternity orders, notice of contested paternity hearings, demand for judicial trial in contested paternity hearings, and genetic testing in contested paternity hearings. Part 160 adds a new section concerning uncontested and contested administrative paternity and support establishment. Other amendments specify how DPA shall use administrative orders to establish paternity and support obligations. Changes in Part 160 since its proposal include increasing the notice requirement for responsible relatives from 5 to 10 days prior to scheduled interviews; requiring notices to responsible relatives to include allegation of paternity and support obligations; requiring DPA to notify a presumed father that in the event he fails to appear for the scheduled interview, DPA may enter an administrative order finding the alleged father to be the child's father on the basis of a paternity acknowledgement voluntarily signed by the alleged father and the mother; adding definitions for "non-marital child", "alleged father", and "presumed father"; providing that subpoenas need not be issued to responsible relatives who fail to appear for an interview if DPA has verified the responsible relative's ability to pay based on documentary evidence; changing the requirement that Title IV-D clients must attend alleged father interviews and requiring, instead, that DPA advise such clients that attendance is

voluntary; and deleting the provision that the hearing officer's decision on paternity and support in contested cases shall be DPA's final administrative decision. JCAR objected to Part 160 because DPA has not received necessary federal waivers to authorize much of the new paternity establishment and continued eligibility demonstration program. In response to the objection, DPA has changed Part 160 to omit certain provisions concerning sanctions imposed after an initial 6-month benefit payment period if paternity has not been established.

Questions/requests for copies of the 5 rulemakings above: Judy Umunna at the DPA address below.

POLLUTION CONTROL

The POLLUTION CONTROL BOARD adopted amendments to "Permits" (35 Ill Adm Code 309), "Pretreatment Programs" (35 Ill Adm Code 310) and "Sewer Discharge Criteria" (35 Ill Adm Code 307), effective 4/1/96, to adopt the amendments to the pretreatment regulations adopted by the U.S. EPA between 1/1/95 and 6/30/95. Small businesses affected by these rulemakings include industries disposing of industrial wastewaters into sewage collection systems of publicly-owned treatment works.

Questions: Diane O'Neill (312/814-6062). Requests for copies: Dorothy Gunn, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931.

WASTE HAULING

PCB also adopted amendments to "Special Waste Hauling" (35 Ill Adm Code 809), effective 3/27/96, to require that proof of special waste hauling permits be maintained inside vehicles rather than displayed by number on vehicle exteriors. Small businesses affected by this rulemaking include trucking companies.

Questions/requests for copies: Amy C. Hoogasian at the PCB address above, 312/814-8917.

NAPRAPATHIC PRACTICE

The DEPARTMENT OF PROFESSIONAL REGULATION adopted a new Part entitled "Naprathic Practice Act" (68 Ill Adm Code 1295), effective 4/2/96, to license naprathic practitioners. Naprathic practice means the evaluation of persons with connective tissue disorders and treatment of such persons through connective tissue manipulation; therapeutic and rehabilitative exercise; postural or nutritional counseling; and use of cold, light, water, radiant energy, electricity, sound, air or assistive devices. Topics covered include licensure application, grandfathering, program approval, examination, endorsement, inactive status, license renewal or restoration, and variances. Small businesses, small municipalities, and not-for-profit corporations that provide naprathic services may be affected by this rulemaking.

Questions/requests for copies: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0800, FAX 217/782-7645.

GRAIN CODE

The DEPARTMENT OF AGRICULTURE repealed 3 Parts entitled "Grain Dealers" (68 Ill Adm Code 600), "Illinois Grain Insurance Act" (8 Ill Adm Code 285), and "Public Grain Warehouse and Warehouse Receipts Act" (8 Ill Adm Code 505), effective 4/1/96. In their place, DOA adopted a new Part entitled "Grain Code" (8 Ill Adm Code 281), also effective 4/1/96, to implement Public Act 89-287. Topics covered include DOA licensee inspections, licensure criteria and application procedures, fees, extensions, financial statements, and license renewals. Required insurance, recordkeeping, "price later" contracts, warehouse receipts, storage capacity, failed licensees, liquidations, grain banks, and grain redeposits are also included. Changes in this rulemaking since its proposal include requiring that price later contracts not signed within 30 days after last delivery will become

Proposed Regulations

Illinois Register. The proposed new Part requires that sellers of pre-need funeral contracts be licensed by the Comptroller whether or not the contract is funded by trust arrangement, life insurance, or annuity. Also, all pre-need contracts sold in Illinois must contain disclosures to assist consumers in their selection of pre-need funeral arrangements, and each contract must be accompanied by a booklet that explains the law and serves as a consumer's guide to pre-need funeral planning. Topics covered in the rulemaking include definitions, classification of pre-need contracts by funding methods, trust investments in life insurance or annuities, licensing of sellers, and the schedule of charges the licensee must pay to cover the cost of examining the licensee's books and records. Small

businesses affected by this rulemaking include funeral homes, cemeteries, insurance companies, and insurance producers. The hearing is scheduled for 4/19/96, 10:00 a.m. at the Office of the Comptroller, Training and Technology Institute, 325 W. Adams, Springfield IL 62704.

Questions/requests for copies: Keith J. Flanagan, Office of the Comptroller, 201 State House, Springfield IL 62706-0001, 217/782-4858.

RULE CORRECTIONS

The ILLINOIS COMMERCE COMMISSION requested that JCAR approve an expedited correction for rules entitled "Waiver of Filing and Approval of Certain Sales, Leases and Mortgages" (83 Ill Adm Code 105) to correct a typographical error. The original proposed rulemaking appeared in the 12/16/94 *Illinois*

Register and was adopted in the 12/22/95 *Illinois Register*.

Questions/requests for copies: Conrad Rubinkowski, ICC, 527 E. Capitol Ave., PO Box 19280, Springfield IL 62794-9280, 217/785-3922.

The DEPARTMENT OF HUMAN RIGHTS also requested that JCAR approve an expedited correction for rules entitled "Access to Information" (2 Ill Adm Code 926) to correct a typographical error. The adopted rulemaking appeared in the 1/14/94 *Illinois Register*.

Questions/requests for copies: David T. Rothal, DHR, 100 W. Randolph, Ste. 10-100, Chicago IL 60601, 312/814-6242, TDD 312/263-1579.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. All but two of the rulemakings will be considered at the 4/23/96 meeting. DPR's architectural rules and HRC's procedural rules will be considered at the 5/21/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF NUCLEAR SAFETY

"Safe Operation of Nuclear Facility Boilers and Pressure Vessels" (32 Ill Adm Code 505) proposed 1/5/96 (20 Ill Reg 100)

ILLINOIS RACING BOARD

"Procedures for License Hearings" (11 Ill Adm Code 205) proposed 2/9/96 (20 Ill Reg 2370)

Repeal of "Special Purse and Reward Fund" (11 Ill Adm Code 410) proposed 1/26/96 (20 Ill Reg 1485)

"Charitable Funds" (11 Ill Adm Code 208) proposed 2/9/96 (20 Ill Reg 2366)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

"Real Estate License Act of 1983" (68 Ill Adm Code 1450) proposed 2/9/96 (20 Ill Reg 2330)

"Real Estate Appraiser Certification" (68 Ill Adm Code 1455) proposed 2/16/96 (20 Ill Reg 3061)

DEPARTMENT OF NATURAL RESOURCES

"Rental of Boats and Boating Facilities" (17 Ill Adm Code 210) proposed 2/16/96 (20 Ill Reg 2647)

DEPARTMENT OF PUBLIC HEALTH

"Assessing Laboratory Fees for

Toxicologic Analysis" (77 Ill Adm Code 475) proposed 5/5/95 (19 Ill Reg 6284)

DEPARTMENT OF PROFESSIONAL REGULATION

"The Professional Engineering Practice Act of 1989" (68 Ill Adm Code 1380) proposed 2/16/96 (20 Ill Reg 3050)

"Illinois Architecture Practice Act of 1989" (68 Ill Adm Code 1150) proposed 2/2/96 (20 Ill Reg 1737)

HUMAN RIGHTS COMMISSION

"Procedural Rules" (56 Ill Adm Code 5300) proposed 1/5/96 (20 Ill Reg 97)

Proposed Regulations

FOOD STAMPS

The DEPARTMENT OF PUBLIC AID proposed amending "Food Stamps" (89 Ill Adm Code 121) concerning the penalty period for intentionally violating program provisions. For a current participant, food stamp disqualification would begin no later than the second fiscal month (currently 1st) after the month of the decision. For a nonparticipant, disqualification would begin the month after the decision month. Current rule provides that a nonparticipant's disqualification is postponed until the individual is again eligible for food stamps, but DPA states that a federal court has ruled against such postponement of penalties.

REPATRIATE PROGRAM

DPA also proposed an amendment for "Refugee/Entrant/Repatriate Program" (89 Ill Adm Code 115) to add "war" and "invasion" and delete "insanity" from the list of reasons that may necessitate the U.S. State Department's removal of eligible needy U.S. citizens and their dependents from a foreign country. Also, a "child or children only" category is added to the types of cases eligible for program assistance.

Questions/requests for copies/comments concerning the 4 DPA rulemakings above until 5/28/96: Joanne Jones for Parts 144 and 140, Judy Umunna for Parts 121 and 115, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

TAXES

The DEPARTMENT OF REVENUE proposed an amendment to "Retailers' Occupation Tax" (86 Ill Adm Code 130) to add a new

section concerning retail sales of building materials that are incorporated into high impact businesses (HIB) as designated by DCCA under the Illinois Enterprise Zone Act. Effective 1/1/95, such sales are exempt from retailers' occupation tax. Effective 6/30/95, such sales are also exempt from local taxes. Recordkeeping requirements and building material examples are included in the rulemaking. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include building material retailers, HIB's, and local governments precluded from collecting the specified tax revenue.

Questions/requests for copies/comments until 5/28/96: Gina Roccaforte, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62764, 217/782-6996.

LIBRARY CONSTRUCTION

The SECRETARY OF STATE proposed amendments for "Public Library Construction Grants" (23 Ill Adm Code 3060) to clarify that the final 10% of a library's grant will be reimbursed upon receipt of the close-out report, including any applicable final audit, and the other 90% will be expended under the one-year rule. Grant applicants are also required to comply with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act for contracts exceeding \$25,000 and to publicly announce all requirements for architectural, engineering, and land surveying services. Additionally, the amendments require that more detailed information must be submitted in the library's Assurance of Compliance concerning bids, contracts, contractors and subcontractors, the fidelity bond, construction start date, and project expenditure changes. Small municipalities affected by this rulemaking include those seeking library construction grants.

Questions/requests for copies/comments until 5/28/96: Kathleen L. Bloomberg, Illinois State Library, 300 S. 2nd St., Springfield IL 62701-1796, 217/785-0052, FAX 217/782-6062, INTERNET kbloomb@library.sos.state.il.us

VEHICLE CODE

The SECRETARY OF STATE proposed amendments for "Certificates of Title, Registration of Vehicles" (92 Ill Adm Code 1010) and "Dealers, Wreckers, Transporters and Rebuilders" (92 Ill Adm Code 1020). Part 1010 adds new sections concerning how to obtain unbranded titles for certain stolen vehicles that have been recovered or for vehicles that have been issued "rebuilt" titles. The rulemaking also requires that a vehicle for which a rebuilt title has been issued must be accompanied by a Disclosure of Rebuilt Vehicle Status form when sold. Part 1020 adds a section specifying what records are required upon removal of dash assemblies with vehicle identification number plates attached. Small businesses, small municipalities, and not-for-profit corporations affected by these 2 rulemakings include those that buy or sell recovered stolen vehicles or rebuilt vehicles and those that rebuild or deal with vehicles and vehicle parts.

Questions/requests for copies/comments concerning the 2 rulemakings above until 5/28/96: Robert E. Powers, Office of the SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094.

PUBLIC HEARING

The OFFICE OF THE COMPTROLLER announces a public hearing for a proposed new Part entitled "Illinois Funeral or Burial Funds Act" (38 Ill Adm Code 610), that was published in the 3/1/96

New Regulations

void. Small businesses affected by these rulemakings include grain farmers, small country elevators and feed mills.

Questions/requests for copies: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

VOTER REGISTRATION

The DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES adopted a new section for rules entitled "Recipient Rights" (59 Ill Adm Code 111), effective 3/29/96. Identical emergency rules were adopted 9/15/95. The rulemaking implements the National Voter Registration Act of

1993 (NVRA) for federal elections only and are in addition to current registration provisions contained in the Illinois Election Code. Procedures are provided for the registration of recipients of DMHDD services. The decision to apply or to decline to apply to register to vote shall have no bearing on the determination of the applicant's eligibility for DMHDD services. Topics covered include definitions, procedures, and prohibitions against attempting to influence an applicant's registration decision or political preference. Small businesses affected by these rulemakings include private and not-for-profit agencies providing mental health or developmental disabilities services.

Questions/requests for copies: Judith Hollenberg, DMHDD, 403 Stratton Bldg., Springfield IL 62765, 217/785-3313, FAX 217/524-0835.

RULES RECODIFIED

The DEPARTMENT OF INSURANCE announces that it has renumbered its rules entitled "Assigned Risk Procedures" (50 Ill Adm Code 4801) from Part 4801 to Part 2904. DOI also transferred rules entitled "Life Insurance Solicitation" (50 Ill Adm Code 930) from Subchapter ii to Subchapter 1.

Questions/requests for copies: Mary Meyer, DOI, 320 W. Washington, Fl. 4, Springfield IL 62767, 217/785-8220.

Proposed Regulations

Questions/requests for copies/comments until 5/28/96: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

EDUCATIONAL BONDS

The EDUCATIONAL FACILITIES AUTHORITY proposed an amendment to "Functions and Planning Program" (23 Ill Adm Code 2310) to decrease the annual fee for servicing a bond financing from 2/100 to 1.5/100 of 1% of the original amount of the bond issue. The new annual fee would apply on or after 7/1/96, and affect not-for-profit corporations aided by the Authority.

Questions/requests for copies/comments until 5/28/96: Thomas P. Conley, IEFA, 333 W. Wacker Dr., Ste. 2600, Chicago IL 60606, 312/781-6633.

INDUSTRIAL HYGIENISTS

The ENVIRONMENTAL PROTECTION AGENCY proposed an amendment for "Licensing of Industrial Hygienists" (35 Ill Adm Code 184) to

increase the renewal fee for an unexpired license from \$50 to \$100 beginning 1/1/97. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those offering the services of licensed industrial hygienists.

Questions/requests for copies/comments until 5/28/96: John P. Waligore, EPA, 2200 Churchill Rd., PO Box 19276, Springfield IL 62794-9276, 217/782-5544.

NURSING HOMES

The DEPARTMENT OF PUBLIC AID proposed an amendment to "Developmental Disabilities Service" (89 Ill Adm Code 144). A new section adds a facility-initiated appeal process of resident assessments conducted by the inspection of care (IOC) team in facilities for persons with developmental disabilities (ICF/MR). A three-step process includes an exit conference discussion between the facility and the IOC team, informal review involving the Department of Public Health, and a formal review by the Department of Mental Health and Developmental

Disabilities. Because IOC data is used in reimbursement calculations, the appeal process may affect facility rates. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing ICF/MR facilities.

DPA also proposed an amendment for "Medical Payment" (89 Ill Adm Code 140) to delete a paragraph specifying that salary expenses during nurse's aide clinical training would be reimbursed differently if the training took place in the facility of employment. The Department states that this distinction is obsolete under current practice. The rulemaking also clarifies that basic nursing assistant, developmental disabilities aide, basic child care aide, and habilitation aide are all included in the training reimbursement program. References to competency testing are changed to evaluations throughout the rulemaking. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing long-term care facilities.

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12221 - APRIL 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
MAY 01 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

16x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

April 19, 1996

Issue 16

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD adopted amendments to "Riverboat Gambling" (86 Ill Adm Code 3000), effective 4/9/96, to require that a riverboat's internal control system meet certain minimum standards unless the Board approves a deviation from such standards. New sections are added concerning tournaments, promotions, giveaways, and coupons for complimentary chips and tokens. Also, the rulemaking clarifies when gambling may be conducted at the dock, and adds a fine for violation of the dockside provisions. Changes in this rulemaking since its proposal include adding definitions for "enhanced payout," "tournament" and "give-away". The topics required to be addressed in an owner's Internal Control System are listed in the rule. Providers involved in approved coupon distribution may be required to be licensed as suppliers, also.

Questions/requests for copies: Mareile B. Cusack, Illinois Gaming Board, 160 N. LaSalle, Ste. 300 S, Chicago IL 60601, 312/814-4700, FAX 312/814-4602.

LITERACY GRANTS

The SECRETARY OF STATE adopted amendments to "Literacy Grant Program" (23 Ill Adm Code 3040), effective 4/9/96, to reduce the number of application copies that must be submitted and update audit requirements to 1994 federal government standards. The rulemaking also broadens the definition of "children at risk programs" by deleting specific references to being "educationally disadvantaged and to receipt of "remedial" instruction. Changes in this rulemaking since its proposal include clarification of the requirements for "single audits".

Questions/requests for copies: Kathleen L. Bloomberg, Illinois State Library, 300 S. 2nd., Springfield IL 62701, 217/785-0052, FAX 217/782-6062, kbloom@library.sos.state.il.us INTERNET.

LAND SURVEYOR LICENSURE

The DEPARTMENT OF PROFESSIONAL REGULATION adopted amendments to rules entitled "Illinois Professional Land Surveyor Act of

(cont'd next page)

ELECTIONS

The STATE BOARD OF ELECTIONS proposed amendments for "Miscellaneous" (26 Ill Adm Code 207). A new section is added to specify the application procedure, approval, and decertification of computer signature imaging systems used by election authorities. The prescribed form of the Voter Information System (VIS) tapes is also amended to conform to the national Voter Registration Act of 1993, according to the Board. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include local election authorities and vendors of election supplies or services.

Questions/requests for copies/comments until 6/3/96: A.L. Zimmer, State Bd. of Elections, 100 W. Randolph, Ste. 14-100, Chicago IL 60601, 312/814-6477. A public hearing is scheduled for 11:00 a.m. on 4/19/96 at the Board's Springfield office at 1020 Spring Street.

CURRENCY EXCHANGES

The DEPARTMENT OF FINANCIAL INSTITUTIONS proposed amendments to "Schedule of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges" (38 Ill Adm Code 130) to increase the maximum allowable check-cashing rate charged by com-

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

1989" (68 Ill Adm Code 1270), effective 4/3/96, to add an appendix that lists rules for the perpetuation of monuments under the Land Survey Monuments Act. Requirements for presenting and recording monument records are specified. Changes in this rulemaking since its proposal include recommending, rather than requiring, that specific additional data be added to the monument record. Small businesses, small municipalities, and not-for-profit corporations that employ licensed land surveyors may be affected by this rulemaking.

Questions/requests for copies: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, FAX 217/782-7645.

FINANCIAL INSTITUTIONS

The DEPARTMENT OF FINANCIAL INSTITUTIONS adopted amendments to the following 3 Parts: "Consumer Installment Loan Act" (38 Ill Adm Code 110), "Illinois Credit Union Act" (38 Ill Adm Code 190), and "Transmitters of Money Act" (38 Ill Adm Code 205), effective 4/8/96. A Part 110 amendment deletes the prohibition against licensees offering inducements to encourage borrowing. Part 190 amendments allow a credit union to make a loan secured by a lien on real estate other than a first mortgage if certain criteria are met. Also, real estate loans are removed from consideration in calculating lending limits, and consumer loan lending limits are raised. Part 205 adds 2 new sections to implement the Transmitter of Money Act by specifying how to calculate the average daily balance of payment instruments and requiring quarterly reports and fees. Small businesses affected by these 3 rulemakings include licensees under the Transmitters of Money Act, credit unions, and licensees under the Consumer Installment Loan Act.

Questions/requests for copies of the 3 rulemakings above: M. Rose Kelly, DFI, 100 W. Randolph, Ste. 15-700,

Chicago IL 60601, 312/814-2008.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted amendments for "Medical Payment" (89 Ill Adm Code 140), effective 4/5/96, to broaden payment for medical transportation to cover helicopters used in emergency situations per written order of the responsible physician. A new section specifies reimbursement criteria. Other amendments allow reimbursement for longer alternate ambulance routes when natural disaster, weather, or other conditions preclude use of a more direct route. Also, amendments permit use of ambulance providers licensed in states other than Illinois. Changes in this rulemaking since its proposal include adding provisions requiring out-of-state ambulance providers who provide services in Illinois to comply with the EMS Systems Act and stipulating that DPA will not cover the services of helicopter transportation providers having payment agreements with receiving facilities. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include medical transportation providers.

Questions/requests for copies: Joanne Jones, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

FORESTRY GRANTS

The DEPARTMENT OF NATURAL RESOURCES adopted amendments for "Urban and Community Forestry Grant Program" (17 Ill Adm Code 1538), effective 4/4/96, to specify that units of local government, rather than only municipalities, are eligible for grants and to include Illinois chartered not-for-profit corporations as co-applicants with such units of local government. The amendments also cap single grants at 5% of the fiscal year grant program total or 20% for multi-community projects. Geographic

location is added to grant criteria, and reference to grants from unobligated funds is deleted. Small municipalities and not-for-profit corporations affected by this rulemaking include those seeking grants under the DNR forestry program.

Questions/requests for copies: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

HEALTH FACILITY BONDS

The HEALTH FACILITIES AUTHORITY adopted amendments to "Sale of Bonds" (77 Ill Adm Code 1400), effective 4/12/96, to repeal provisions concerning variable fee estimates, application fees, financial feasibility costs, bond rating agency fees, printing costs, bond counsel, trustee fees, title insurance, and payment of fees and costs. The rulemaking also allows the amount of the annual fee charged to an institution that obtains Authority financing and the terms of its payment to be established by Authority resolution, while retaining an existing \$15,000 fee cap. The fee shall be equal to .025% of the outstanding principal balance of the institution's Authority financing, not to exceed the \$15,000 per year per issue cap. Changes in this rulemaking since its proposal include specifying that the annual fee, when combined with other fees charged, shall be sufficient to cover the administrative costs and expenses of the Authority. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those seeking Authority financing.

Questions/requests for copies: Mary M. McInerney, IHFA, 180 N. Stetson St., Ste. 1100, Chicago IL 60601, 312/861-4445, TDD 312/861-4456.

PENSIONS

The DEPARTMENT OF INSURANCE adopted amendments to "Definition of Salary" (50 Ill Adm Code 6302), effective 4/9/96, to clarify "salary" for

New Regulations

purposes of determining contributions made to pension funds on behalf of employees. Additionally, the amendments specify what is not "salary" so that consistent standards will be utilized by all pension funds. Also, 2 new sections are added concerning retroactive pay increases and accumulated unused time at retirement or disability.

Questions/requests for copies: Mike Blankenship, DOI, 320 W. Washington, Springfield IL 62767-0001, 217/782-1779.

INSURANCE

DOI also adopted amendments for "Surplus Line Business Requirements" (50 Ill Adm Code 2801), effective 4/9/96, to raise from \$5 million to \$15 million the amount of policyholders' surplus necessary in order for a surplus line producer to place policies or contracts with a company not authorized to do business in Illinois.

Questions/requests for copies: Cindy Stephenson at the DOI address above, 217/782-1785.

HORSE RACING

The ILLINOIS RACING BOARD adopted a new Part entitled "Account Wagering" (11 Ill Adm Code 321), effective 4/15/96, to establish account wagering whereby wagers are debited and payouts are credited to a sum of money deposited by the patron in an account that is held by the licensee. Topics covered include account operation and closure, patron information, and licensee refusal to open an account. Changes in this rulemaking since its proposal include requiring the Board to request account operation records when there are allegations of race-fixing, wagering schemes, or other instances indicating that probable cause exists.

The IRB also adopted amendments to "Forbidden Conduct" (11 Ill Adm Code

1320) and "Horse Health Rules" (11 Ill Adm Code 1431), effective 4/15/96, to require humane treatment of horses. Prohibited actions include cruelty, mistreatment, neglect, abuse, abandonment, injury, or deprivation of necessary care, sustenance, shelter or veterinary care. Part 1431 also repeals a section that requires state veterinarians to supply tongue ties to trainers upon request. Changes in these rulemakings since their proposal include removing maiming and administration of noxious substances from the list of prohibited treatments and specifying that the prohibitions apply to treatment "on the grounds of an organization licensee." Small businesses affected by these rulemakings include those employing veterinarians and horse trainers.

Questions/requests for copies of the 3 rulemakings above: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-2600.

Proposed Regulations

munity and ambulatory currency exchanges, beginning 1/1/97. For checks of \$500 or less, the rate increases from 1.2% to 1.4% of face value, and the ninety-cent service charge remains unchanged. For larger checks, a new rate of 1.85% is added. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include currency exchanges and their customers.

Questions/requests for copies/comments until 6/3/96: M. Rose Kelly at the DFI address above.

TAXES

The DEPARTMENT OF REVENUE proposed an amendment for "Retailers' Occupation Tax" (86 Ill Adm Code

130) concerning claims for tax credit. A new vehicle retailer is allowed to file a claim for credit when a new vehicle sold by that retailer has been returned to the manufacturer and the manufacturer has refunded all or part of the customer's purchase price. Small businesses affected by this rulemaking include motor vehicle retailers.

Questions/requests for copies/comments until 6/3/96: Terry D. Charlton, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

ASSESSMENT FREEZE

The DEPARTMENT OF REVENUE announces that it has withdrawn a proposed amendment to "Property Tax Code" (86 Ill Adm Code 110) that appeared on First Notice in the 3/3/95

Illinois Register because JCAR objects to the rulemaking. The amendment provides that county assessment officers may verify information provided on applications for the Senior Citizens Assessment Freeze Homestead Exemption, rather than prescribing procedures by which the Department of Revenue will conduct the verification, as is intended by Section 15-172(c) of the Property Tax Code. Technically, this rulemaking ceased to be viable on 3/3/96 because it was not adopted within one year after its proposal.

Questions/requests for copies: Jerry Lanter, DOR, Office of General Counsel, 101 W. Jefferson, Springfield IL 62708, 217/782-6336.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 5/21/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF PUBLIC AID

"Medical Payment" (89 Ill Adm Code 140) proposed 2/9/96 (20 Ill Reg 2346)

SECRETARY OF STATE

"Procedures and Standards" (92 Ill Adm Code 1001) proposed 1/26/96 (20 Ill Reg 1491)

"Illinois Safety Responsibility Law" (92 Ill Adm Code 1070) proposed 2/9/96 (20 Ill Reg 2378)

DEPARTMENT OF PROFESSIONAL REGULATION

"Medical Practice Act of 1987" (68 Ill Adm Code 1285) proposed 2/23/96 (20 Ill Reg 3457)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Relative Home Placement" (89 Ill Adm Code 335) proposed 1/12/96 (20 Ill Reg 658)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

"The Administration and Operation of the State Employees' Retirement System of Illinois" (80 Ill Adm Code 1540) proposed 2/9/96 (20 Ill Reg 2385)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12272 - APRIL 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
MAY 13 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

April 26, 1996

Issue 17

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted amendments to "Aid to Families with Dependent Children" (89 Ill Adm Code 112) and "Demonstration Programs" (89 Ill Adm Code 170), effective 4/12/96, to require DPA to advise clients of the value and benefits of employment and the need for recipients to move toward self-sufficiency. The rulemakings also require all applicants and recipients who are not employed 20 or more hours per week to prepare a personal employability plan as a condition of AFDC eligibility. The new requirements are dependent upon DPA receiving a federal waiver and do not cover control group AFDC cases at unspecified "research sites".

Questions/requests for copies of the 2 rulemakings above: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

HEALTH CARE SCHOLARSHIPS FOOD STAMPS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to rules entitled "Allied Health Care Professional Assistance Law" (77 Ill Adm Code 598), effective 4/1/96. An identical emergency rulemaking was adopted effective 4/7/95. The rulemaking specifies that allied health care scholarships shall be in the amount of \$7,500 for a maximum of 2 years each and removes certain distinctions between full-time and part-time students. The award will be paid directly to the recipient rather than to the recipient's school if the recipient is not in arrears on tuition payments.

Questions/requests for copies: Gail M. DeVito, DPH, Division of Governmental Affairs, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187.

The DEPARTMENT OF PUBLIC AID proposed amending "Food Stamps" (89 Ill Adm Code 121) to cap time worked for food stamp benefits at 26 hours in the Earnfare program. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include Earnfare employers.

AFDC


DPA proposed amending "Aid to Families with Dependent Children" (89 Ill Adm Code 112) to allow Exchange Program participants to be eligible for certain cash grants and earned income budgeting disregards. Reporting procedures are specified. The difference between the payment level and the participant's grant will be diverted and used in whole or in part to pay an employer wage subsidy. Small businesses, small municipalities, and not-for-profit corporations that participate in the Exchange Program will be affected by this rulemaking.

The DEPARTMENT also proposed amending "Demonstration Program" (89 Ill Adm Code 170) to add a new section establishing the Illinois Automated Identification and Match System (AIMS) as a 3-year statewide demonstration program. Certain AFDC recipients are required to undergo electronic fingerprinting, and

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

 : Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

Proposed Regulations

exceptions are specified. Research sites will operate at the DuPage County local public aid offices and the Suburban and Western local offices in Cook County.

Questions/requests for copies/comments concerning the 3 rulemakings above until 6/10/96: Judy Umunna at the DPA address above.

HUNTING AND TRAPPING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to "Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping" (17 Ill Adm Code 570), "White-Tailed Deer Hunting Season by Use of Handguns" (17 Ill Adm Code 680), "Squirrel Hunting" (17 Ill Adm Code 690), "Dove Hunting" (17 Ill Adm Code 730) and "Crow, Woodcock, Snipe, Rail and Teal Hunting" (17 Ill Adm Code 740). Part 570 amendments lengthen the trapping season in the North and South Zones, add badgers to the list of legal species, establish daily and possession limits for badgers, and add Cache River State Natural Area and Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area to the list of sites where statewide regulations apply. Part 680 amendments change the current wording of the statewide season to "one-half hour before sunrise on the first Friday after January 11 to sunset on the following Sunday." Parts 690, 730 and 740 change the name of Pike County Conservation Area to Ray Norbut State Fish and Wildlife Area. Part 690 amendments also add Ferne Clyffe Hunting Area - Cedar Draper Bluffs

Hunting Area to the squirrel hunting sites where statewide regulations apply; correct the boundary of the hunting area at Marseilles Fish and Wildlife Area to permit hunting west of E 2450 Road only; change the closing date for Witkowsky State Wildlife Area from 10/31 to 9/30; and establish season dates at Ferne Clyffe State Park - Ferne Clyffe Hunting Area to start the day following Labor Day to the end of the statewide season. Parts 730 and 740 amendments require licensed hunters to register in the Migratory Bird Harvest Information Program. Part 730 also changes Railsplitter State Park to Edward R. Madigan State Fish and Wildlife Area; provides for split dove season; clarifies shot requirements for the youth and youth/adult dove hunts and during the November portion of the dove season; sets dove hunting hours at all sites that are open during the upland game season to coincide with hours for cock pheasant, Hungarian partridge, bobwhite quail, crow, and rabbit hunting at the respective sites; closes dove hunting season on 10/14 at certain specified sites; and changes hunters' hours at various sites participating in the dove harvest research project. Part 740 amendments also open an additional area at the Union County Conservation Area and close woodcock hunting at Kickapoo State Park during firearm deer season. Small businesses affected by these rulemakings include those that conduct hunting and trapping for commercial purposes and related businesses such as taxidermists.

Questions/requests for copies/comments concerning the 5 rulemakings above until 6/10/96: Jack Price, DNR,

524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

HORSE RACING

The ILLINOIS RACING BOARD proposed a new Part entitled "Hi/Low" (11 Ill Adm Code 313) to replace rules entitled "Over/Under" that were repealed last year. A hi/low wager is defined as the sum of the official program numbers of the first 3 finishers, irrespective of order, in a designated contest upon which winning wagers are determined. All hi/low wagers will be calculated as an entirely separate wagering pool. Other topics covered include general provisions, pool variations, and pool distribution.

Questions/requests for copies/comments until 6/10/96: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-5070.

INCOME TAX

The DEPARTMENT OF REVENUE proposed an amendment for "Income Tax" (86 Ill Adm Code 100) to add a new section concerning access to books and records for audit purposes after issuance of a "60-day letter" to the taxpayer by the Department. Failure to comply precludes the taxpayer from presenting the requested document later in the audit or a subsequent hearing. Any small business whose tax liability is under audit or investigation may be affected by this rulemaking.

Questions/requests for copies/comments until 6/10/96: Paul S. Caselton, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-7055, FAX 217/524-0527.

JCAR Meeting Action

At its April 23, 1996 meeting, JCAR voted the following 4 recommendations:

DEPT. OF COMMERCE AND COMMUNITY AFFAIRS

Concerning "State Administration of the Federal Community Development Block Grant Program for Small Cities" (47 Ill Adm Code 110), the Committee recommends that, in accordance with Section 5-100(a) of the Illinois Administrative Procedure Act, the Department propose its rules in a more timely manner. This will ensure proper notification to the affected public and eliminate the possibility of the agency adhering to policy not specifically outlined by rule.

DEPARTMENT OF PUBLIC AID

After review of "Medical Assistance

Programs" (89 Ill Adm Code 120) (19 Ill Reg 13797), JCAR recommends that, in the future, DPA appropriately depict in its Second Notice Analysis of Economic and Budgetary Effects the potential economic impact on persons affected by the rulemaking. In this rulemaking, the Department stated that there would be no economic impact, but later allowed that some affected individuals will experience positive effects and others negative effects.

SECRETARY OF STATE

JCAR considered amendments to rules entitled "Revised Uniform Limited Partnership Act" (14 Ill Adm Code 170) and recommends that the Secretary of

State seek legislation specifically empowering the Secretary to pro-pound interrogatories to any limited partnership for purposes of monitoring compliance with the Revised Uniform Limited Partnership Act.

DEPARTMENT OF HUMAN RIGHTS

Concerning an emergency rulemaking entitled "Procedural" (56 Ill Adm Code 2520), JCAR recommends that DHR make every effort to commence its rulemaking activity in a more timely manner to avoid reliance on the emergency rulemaking process solely because of an agency-created emergency.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 5/21/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

LEGISLATIVE TRAVEL CONTROL BOARD

Repeal of "Travel for Legislative Employees" (80 Ill Adm Code 2850) proposed 3/1/96 (20 Ill Reg 3748)

DEPARTMENT OF INSURANCE

"Uniform Medical Claim and Billing Forms" (50 Ill Adm Code 2017) proposed 9/1/95 (19 Ill Reg 12423)

DEPARTMENT OF REHABILITATION SERVICES

"Appeals and Hearings" (89 Ill Adm Code 510) proposed 2/23/96 (20 Ill Reg 3480)

"Advisory Councils" (89 Ill Adm Code 515) proposed 2/23/96 (20 Ill Reg 3474)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Pay Plan" (80 Ill Adm Code 310) proposed 3/8/96 (20 Ill Reg 4008)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Placement and Visitation Services" (89 Ill Adm Code 301) proposed 3/1/96 (20 Ill Reg 3648)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12389 - APRIL 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
MAY 00 1996
UNIVERSITY OF ILLINOIS
AT URBANA

348.02
I 16x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

May 3, 1996

Issue 18

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

TEACHER TRAINING

The STATE BOARD OF EDUCATION adopted amendments to "Public Schools Evaluation, Recognition and Supervision" (23 Ill Adm Code 1), effective 4/17/96, to amend minimum requirements for teachers of middle grades 5-8. Required courses are listed, and also minimum semester hours are specified for a teacher's second area of instruction in addition to his or her major instructional area. Requirements differ for coursework completed before and after 7/1/97. Small businesses and not-for-profit corporations affected by this rulemaking include educational institutions that train teachers.

Questions/requests for copies: Anna Austin, ISBE, 100 N. 1st St., Springfield IL 62777-0001, 217/782-3774.

CERTIFIED PUBLIC ACCOUNTANTS

The BOARD OF EXAMINERS of the UNIVERSITY OF ILLINOIS adopted amendments to "Certificate of Certified Public Accountant" (23 Ill Adm Code 1400), effective 5/1/96, to add the Board's current address, member

appointment, organization procedures, and Board meeting procedures to the rules. Other topics covered include exam admission, reciprocal CPA certificates, fee increases, appeals, hearings, exam security, and re-examinations. Small businesses affected by this rulemaking include those that employ certified public accountants.

Questions/requests for copies: Joanne Vician, Bd. of Examiners, University of Illinois, 506 S. Wright St., Urbana IL 61801-3688, 217/333-5599.

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD adopted amendments to "Riverboat Gambling" (86 Ill Adm Code 3000), effective 4/22/96, to allow the Board, by resolution, to delegate to the Administrator the authority to approve the 10 changes that applicants or licensees are required to report. Three of the 10 changes are also amended. Licensees, rather than just applicants, are required to report economic development plans, including proposals. All design changes, rather than "significant" changes, must be reported. Pro forma budget and financial

(cont'd next page)

Proposed Regulations

SPECIAL EDUCATION

The STATE BOARD OF EDUCATION proposed amendments to "Special Education" (23 Ill Adm Code 226) to implement provisions in Public Acts 87-995, 89-397 and 89-425. A definition of "qualified bilingual specialists" is added, and a new section specifies their qualifications. The rulemaking further requires that a child's individualized education program (IEP) be linguistically and culturally appropriate and that a local school district shall provide an interpreter for deaf parents on non-English speaking parents, if necessary, during IEP conferences. Proposed amendments also include changing references to the Advisory Council on Education of Handicapped Children to Advisory Council on Education of Children with Disabilities and adding individual educational requirement (IER) provisions pertaining to home-based support services for mentally disabled adults and the languages or modes of communication in which special education and related services will be provided, if other than or in addition to English. The rulemaking also replaces references to handicaps with references to disabilities.

Questions/requests for copies/comments until 6/17/96: Sally Vogl, ISBE, 100 N. 1st, Springfield IL 62777, 217/782-0541.

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

S: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

statement reporting is changed to require that oral or written agreements relating to acquisition or disposal of real or personal property over \$1 million in value be reported. Should the Administrator refuse to approve a proposal, the final decision reverts to the Board. Also, a new section is added to specify procedures for one-year license renewals. Topics covered include necessary documentation, time frames, public comment, and license renewal standards. Changes in this rulemaking since its proposal include deleting overnight mail as a method for transmitting a Notice of Denial and clarifying that there is an ongoing duty to disclose changes in information previously submitted. Owners' license renewal applications must now be submitted in triplicate, and the Administrator may authorize a due date later than 90 days prior to license expiration. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those doing business with such riverboats or benefiting from tax revenue generated by them.

Questions/requests for copies: Mareile Cusack, Illinois Gaming Bd., 160 N. LaSalle, Ste. 300 S, Chicago IL 60601, FAX 312/814-4602, 312/814-4700.

HUMAN RIGHTS ACT

The DEPARTMENT OF HUMAN RIGHTS adopted amendments for rules entitled "Procedures of the Department of Human Rights" (56 Ill Adm Code 2520), effective 4/18/96, adding a new subpart concerning "requests for review" when charges have been dismissed or a notice of default issued by the Department's director after 1/1/96. Such review will be directed by the chief legal counsel. Topics covered in the subpart include filings, request content, time frames, additional investigations, and orders. Changes in this rulemaking since its proposal include renaming the rules (formerly named "Procedural"), requiring notification of the Director and all parties when a time extension request is filed, adding standards for determin-

ing whether good cause for extension exists, and giving the chief legal counsel sole discretion regarding assignment of requests for review.

Questions/requests for copies: David T. Rothal, Dept. of Human Rights, 100 W. Randolph, Ste. 10-100, Chicago IL 60601, 312/814-6242, TDD 312/263-1579.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES adopted amendments, effective 4/18/96, to the following 5 Parts: "Individualized Written Rehabilitation Program (IWRP)" (89 Ill Adm Code 572), "Services" (89 Ill Adm Code 590), "Program Description" (89 Ill Adm Code 676), "Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)" (89 Ill Adm Code 679), and "Eligibility" (89 Ill Adm Code 682). Parts 572 and 676 clarify that any time a non-English print version of a form or document is used and placed in a case file, an English copy must also be included. Part 590 clarifies that as a result of the Extended Evaluation or Comprehensive Assessment of Rehabilitation Needs, DORS may provide equipment that allows customers with sensory, manual or speaking impairments to achieve a level of performance equal to that of an individual who does not have such impairments. DORS retains title to such equipment, and the conditions are clarified under which a customer may retain the equipment, even after case closure. Further, drivers who provide services to DORS customers must carry at least the minimum liability insurance required by law, and foreign language interpreters must be approved by both the customer and the counselor. Also, the term "interpreters" refers to both foreign language and sign language interpreters. Part 679 increases the service cost maximums for the Home Services Program by 4%, beginning 7/1/95. Additionally, maximums for individuals served under the Aids Medicaid waiver are increased. Part 682 states that all assets of spouses will be considered

joint assets and the value divided equally unless a legal agreement exists that designates the asset to the other partner. Proposed language requiring that the legal agreement be a premarital agreement has been deleted.

DORS also repealed a Part entitled "Total Life Planning Program" (89 Ill Adm Code 895), effective 4/18/96, to eliminate this program for deaf-blind clients. The Department states that these clients in the future will be served through the regular Vocational Rehabilitation Program.

Questions/requests for copies of the 6 rulemakings above: Susan Warrner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TDD/TTY 217/785-9301.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "Pay Plan" (80 Ill Adm Code 310) by peremptory rulemaking, effective 4/22/96, to include Correctional Casework Supervisor in the CU-500 Collective Bargaining Unit with a salary range of \$2,786-\$3,923 monthly, effective 8/2/95. Also, this position is added, effective 7/1/96, with a salary range up to \$4041.

Questions/requests for copies: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

CHARTER SCHOOLS

The STATE BOARD OF EDUCATION adopted a new Part entitled "Charter Schools" (23 Ill Adm Code 650) by emergency rulemaking, effective 4/23/96, for a maximum of 150 days, to implement Public Act 89-450. Topics covered include definitions, purpose, procedures for submission of charter school applications to the Board, application review and certification, and charter revision and renewal.

Questions/requests for copies: Sally Vogl at the ISBE address above

New Regulations

RULES RECODIFICATION

The DEPARTMENT OF INSURANCE announced that it has recodified 2 Parts. "Internal Security Standards

and Fidelity Bonds" (50 Ill Adm Code 5301) is renumbered to Part 5501. "Destruction of Records" (50 Ill Adm Code 5302) is renumbered to Part 5502.

Questions/requests for copies: Denise Fuchs, DOI, 320 W. Washington, Fl. 4, Springfield IL 62767, 217/785-8560.

Proposed Regulations

HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments for the following 3 Parts: "Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting" (17 Ill Adm Code 550), "The Taking of Wild Turkeys - Fall Archery Season" (17 Ill Adm Code 720), and "The Taking of Wild Turkeys - Fall Gun Season" (17 Ill Adm Code 715). Part 550 amendments lengthen hunting seasons in the northern and southern zones and add Ferne Clyffe State Park - Cedar Draper Bluff Hunting Area and Witkowsky State Wildlife Area to the list of sites where statewide regulations apply. Hunting for fox, coyote, and skunk is expanded at Sangchris Lake State Park. All 3 Parts change the name of the Pike County Conservation Area to the Ray Norbut State Fish and Wildlife Area. In addition, Part 720 and 715 amendments open various new counties and new sites to turkey hunting,

and Part 715 requires hunters to apply for a site-specific permit for Site M. Also, Part 720 removes Green River State Wildlife Area from the list of sites where statewide regulations apply.

Questions/requests for copies/comments until 6/17/96: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

WATER POLLUTION

The POLLUTION CONTROL BOARD proposed amendments for the following 3 Parts: "Operation and Record Keeping" (35 Ill Adm Code 607), "Pretreatment Programs" (35 Ill Adm Code 310), and "Primary Drinking Water Standards" (35 Ill Adm Code 611). The Part 310 amendments update incorporation of federal regulations to include water pretreatment regulations adopted by USEPA between 7/1/95 and 12/31/95. According to PCB, additional water testing methods are added. Part 611

amendments correspond with USEPA amendments adopted from January through June 1995, and update analytical methods used in testing water under the federally-derived Safe Drinking Water Act program. Part 607 amendments remove references to two Parts that have been repealed in PCB's regulations. Small businesses, small municipalities, and not-for-profit corporations affected by these 3 rulemakings include industries disposing of industrial wastewaters into sewage collection systems of publicly-owned treatment works or those that supply drinking water to at least 25% of the same persons over 6 months per year.

Questions/requests for copies/comments until 6/17/96: Diane O'Neill (312/814-6062) for Part 310 and Michael McCambridge (312/814-6924) for Parts 607 and 611, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 5/21/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPT OF PUBLIC HEALTH

"Community Living Facilities Code" (77 Ill Adm Code 370) proposed 1/5/96 (20 Ill Reg 187)

"Hospice Programs" (77 Ill Adm Code 280) proposed 1/5/96 (20 Ill Reg 190)

"Illinois Home Health Agency Code" (77 Ill Adm Code 245) proposed 1/5/96 (20 Ill Reg 214)

"Illinois Veterans' Homes Code" (77 Ill Adm Code 340) proposed 1/5/96 (20 Ill Reg 217)

"Intermediate Care for the Developmentally Disabled Facilities Code" (77 Ill Adm Code 350) proposed 1/5/96 (20 Ill Reg 220)

"Long-Term Care Assistants and Aides Training Programs Code" (77 Ill Adm Code 395) proposed 1/5/96 (20 Ill Reg 223)

"Long-Term Care for Under Age 22 Facilities Code" (77 Ill Adm Code 390) proposed 1/5/96 (20 Ill Reg 244)

"Sheltered Care Facilities Code" (77 Ill Adm Code 330) proposed 1/5/96 (20 Ill Reg 247)

"Skilled Nursing and Intermediate Care Facilities Code" (77 Ill Adm Code 300) proposed 1/5/96 (20 Ill Reg 250)

JCAR Meeting Agenda

DEPARTMENT OF STATE POLICE

"Child Sex Offender Community Notification Law" (20 Ill Adm Code 1282) proposed 3/8/96 (20 Ill Reg 4043)

"Sex Offender Registration Act" (20 Ill Adm Code 1280) proposed 1/5/96 (20 Ill Reg 253)

DEPARTMENT OF PUBLIC AID

"Food Stamps" (89 Ill Adm Code 121) proposed 3/1/96 (20 Ill Reg 3791)

"Aid to Families with Dependent Children" (89 Ill Adm Code 112) proposed 2/9/96 (20 Ill Reg 2336)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

"Operating Procedures for the Administration of Federal Funds" (20 Ill Adm Code 1520) proposed 2/16/96 (20 Ill Reg 2645)

ISAC

"Monetary Award Program (MAP)" (23 Ill Adm Code 2735) proposed 2/2/96 (20 Ill Reg 1881)

"Robert C. Byrd Honors Scholarship Program" (23 Ill Adm Code 2755) proposed 2/2/96 (20 Ill Reg 1898)

"State Scholar Program" (23 Ill Adm Code 2760) proposed 2/2/96 (20 Ill Reg 1905)

"Merit Recognition Scholarship (MRS) Program" (23 Ill Adm Code 2761) proposed 2/2/96 (20 Ill Reg 1869)

"Paul Douglas Teacher Scholarship Program" (23 Ill Adm Code 2762) proposed 2/2/96 (20 Ill Reg 1892)

"Minority Teachers of Illinois (MTI) Scholarship Program" (23 Ill Adm Code 2763) proposed 2/2/96 (20 Ill Reg 1875)

"David A. DeBolt Teacher Shortage Scholarship Program" (23 Ill Adm Code 2764) proposed 2/2/96 (20 Ill Reg 1796)

"Illinois Special Education Teacher Tuition Waiver Program" (23 Ill Adm Code 2765) proposed 2/2/96 (20 Ill Reg 1848)

"Student to Student (STS) Program of Matching Grants" (23 Ill Adm Code 2770) proposed 2/2/96 (20 Ill Reg 1914)

"College Savings Bond Bonus Incentive Grant (BIG) Program" (23 Ill Adm Code 2771) proposed 2/2/96 (20 Ill Reg 1791)

"General Provisions" (23 Ill Adm Code 2700) proposed 2/2/96 (20 Ill Reg 1824)

"Federal Family Education Loan Program (FFELP)" (23 Ill Adm Code 2720) proposed 2/2/96 (20 Ill Reg 1802)

"Illinois National Guard Grant Program" (23 Ill Adm Code 2730) proposed 2/2/96 (20 Ill Reg 1841)

"Illinois Veteran Grant (IVG) Program" (23 Ill Adm Code 2733) proposed 2/2/96 (20 Ill Reg 1854)

"Limitation, Suspension and Termination Proceedings" (23 Ill Adm Code 2790) proposed 2/2/96 (20 Ill Reg 1860)

DCMS

"Pay Plan" (80 Ill Adm Code 310) proposed 3/15/96 (20 Ill Reg 4091)

EPA

"Procedures to be Followed in the Performance of Annual Inspections of Motor Vehicle Exhaust Emissions" (35 Ill Adm Code 276) proposed 3/15/96 (20 Ill Reg 4100)

DMHDD

"Administration" (59 Ill Adm Code 101) proposed 10/6/95 (19 Ill Reg 13714)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12435 - MAY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO 870

DEPOSITORY

MAY 17 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

May 10, 1996

Issue 19

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

MEDICARE INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to "Minimum Standards for Individual and Group Medicare Supplement Insurance" (50 Ill Adm Code 2008), effective 4/28/96, in response to federal regulations concerning open enrollment, loss ratio provisions, duplication of coverage, agent compensation, the Medicare select demonstration project, and mailing of policies. Additionally, the applicability of the Part is amended to exclude a policy or contract of one or more employers or labor organizations or their fund trustees, or combinations thereof, for employees, former employees, labor organization members, or former members. A new section and appendix are added concerning instructions for use of certain disclosure statements for health insurance policies that duplicate Medicare. Small businesses affected by this rulemaking include insurance producers.

Questions/requests for copies: Linda Smith, DOI, 320 W. Washington, Springfield IL 62767-0001, 217/785-7350.

EMPLOYMENT

The DEPARTMENT OF EMPLOYMENT SECURITY adopted amendments to "Administrative Hearings and Appeals" (56 Ill Adm Code 2725), effective 4/29/96, to delete obsolete references to the benefit wage ratio experience rating system, change calculation of rates from wages on which contributions were paid to taxable wages, and clarify that no hearing is necessary regarding protest to a Determination and Assessment when the agency agrees with the employing unit's protest. The rulemaking also clarifies that when an employing unit has filed an insufficient or apparently untimely protest, it shall have an opportunity to cure the insufficiency or explain why the protest is timely. All small businesses are affected by this rulemaking.

Questions/requests for copies: Lois S. Feinberg, DES, 401 S. State St., 2nd Fl. South, Chicago IL 60605, 312/793-4240.

CHILD LABOR

The DEPARTMENT OF LABOR
(cont'd next page)

THERAPIST LICENSURE

The DEPARTMENT OF PROFESSIONAL REGULATION proposed an amendment to "Marriage and Family Therapy Licensing Act" (68 Ill Adm Code 1283) to add continuing education requirements for 1999 marriage and family therapist license renewals and all subsequent renewals. Topics covered include hour requirements, approved courses, sponsors, program certification, attendance, license restoration, and waivers. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those employing licensed marriage and family therapists.

Questions/requests for copies/comments until 6/24/96: Jean A. Courtney at the DPR address below.

LICENSE PLATES

The SECRETARY OF STATE proposed an amendment to "Certificates of Title, Registration of Vehicles" (92 Ill Adm Code 1010) to add the collegiate license plate program for vehicle license plates with Illinois college and university logos. Topics covered include design approval, school participation, applications, and fees. Only first division vehicles and second division vehicles weighing 8,000 pounds or less are eligible for the new collegiate plates.

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

(cont'd page 3)

New Regulations

adopted amendments to "Illinois Child Labor Law" (56 Ill Adm Code 250), effective 4/29/96, to strike a sentence from the definition of "employed" that states the definition applies equally to a minor family member of the employer. All small businesses may be affected by this rulemaking.

Questions/requests for copies: Scott D. Miller, DOL, 160 N. LaSalle, Ste. C-1300, Chicago IL 60601, 312/793-5261.

ENGINEERS

The DEPARTMENT OF PROFESSIONAL REGULATION adopted amendments to rules entitled "The Professional Engineering Practice Act of 1989" (68 Ill Adm Code 1380), effective 4/25/96, to require licensure applicants educated in a foreign country to have their education evaluated, at their own expense, by the American Assoc. of Collegiate Registrars and Admissions Offices, Office of International Education. The rulemaking also specifies the written and spoken English proficiency test scores necessary after 1/1/96 for all applicants who graduated from non-U.S. programs and whose primary language is not English. Changes in this rulemaking since its proposal clarify that an applicant's first language is English if he or she graduated from an engineering program taught in English. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of professional engineers.

Questions/requests for copies: Jean A Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0800, FAX 217/782-7645.

REAL ESTATE

The COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE adopted amendments to rules entitled "Real Estate License Act of 1983" (68 Ill Adm

Code 1450), effective 4/30/96, to add a new section explaining what activities unlicensed assistants are allowed to perform without being in violation of the Act. Changes in this rulemaking since its proposal include clarifying that scheduling of appointments by an unlicensed assistant is not solicitation of business. Small businesses affected by this rulemaking include those licensees under the Real Estate License Act who employ unlicensed assistants.

The COMMISSIONER also adopted amendments to "Real Estate Appraiser Certification" (68 Ill Adm Code 1455), effective 4/30/96, to update an incorporation by reference of the *Uniform Standards of Professional Appraisal Practice* (USPAP) from 7/1/95 to 1/1/96. Small businesses affected by this rulemaking include appraiser licensees.

Questions/requests for copies of the 2 rulemakings above: John Arthur, CS&RF, 500 E. Monroe, Ste. 800, Springfield IL 62701-1509, 217/782-6181.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES amended "Services" (89 Ill Adm Code 590), effective 4/18/96, to repeal a subpart that established a computer equipment and sensory aid loan program funded by the Assistance to the Blind Fund. According to the Department, all program funds have been depleted, and all equipment is obsolete, unusable, or has been removed.

Questions/requests for copies: Susan Warrner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

HAZARDOUS MATERIALS

The DEPARTMENT OF TRANSPORTATION adopted amendments for the following 8 Parts, effective 4/30/96:

"Carriage by Public Highway" (92 Ill Adm Code 177), "Continuing Qualification and Maintenance of Packaging" (92 Ill Adm Code 180), "General Information, Regulations and Definitions" (92 Ill Adm Code 171), "Hazardous Materials Table and Hazardous Materials Communications" (92 Ill Adm Code 172), "Procedures" (92 Ill Adm Code 107), "Shippers General Requirements for Shipments and Packagings" (92 Ill Adm Code 173), "Specifications for Packagings" (92 Ill Adm Code 178), and "Specifications for Tank Cars" (92 Ill Adm Code 179). The rulemakings incorporate by reference federal regulations for hazardous material transport adopted between 10/1/94 and 9/28/95. Topics covered include international transport standards for hazardous materials and radioactive materials, revisions to the federal "List of Hazardous Substances and Reportable Quantities", intermediate bulk container construction and use, cargo tank motor vehicle design, tank car construction, transporter registration requirements, open head drum use, the scope of medical waste regulations, agricultural pesticide exceptions, and packaging. Also, Part 107 amendments define "knowingly" for the purpose of civil penalty liability, expand applicability to include more than Division 2.3 or Division 6.1 materials, and exempt foreign offerors from the registration requirement. Small businesses affected by these 8 rulemakings include placarded hazardous materials transporters.

Questions/requests for copies: Cathy Allen, DOT, Division of Traffic Safety, PO Box 19212, Springfield IL 62794-9212, 217/785-1181.

NUCLEAR SAFETY

The DEPARTMENT OF NUCLEAR SAFETY adopted amendments to "Safe Operation of Nuclear Facility Boilers and Pressure Vessels" (32 Ill Adm Code 505), effective 4/26/96, to update incorporations by reference to

New Regulations

include the 1994 and 1995 editions of the ASME Boiler and Pressure Vessel Code for various purposes and include 1992, 1993, and 1994 addenda to the National Board of Inspection Code. The incorporation of ASME automatically fired boiler standards is updated from 1988 to 1993 and their applicability broadened. Also, a new exemption for certain monitored ISI pressure vessels is added, and the current pressure vessel exemption is clarified. The rulemaking additionally reflects that certain liquified petroleum gas pressure vessels are now regulated under a different law. Sections are amended to allow DNS to approve alternate standards for inspection and repair of boilers and pressure vessels not constructed to ASME Code standards. Inspection schedules for some pressure vessels not subject to internal corrosion are changed from 3-year to 5-year cycles, and owners are given the option of submitting inspection plans coordinated with refueling outages.

Questions/requests for copies: Lyle J. Black, DNS, 1035 Outer Park Dr., Springfield IL 62704, 217/524-0770, TDD 217/782-6133.

PUBLIC AID CAPS

The DEPARTMENT OF PUBLIC AID adopted amendments to "Aid to Families with Dependent Children" (89

Ill Adm Code 112) and "Demonstration Programs" (89 Ill Adm Code 170), effective 4/29/96, to specify that cash assistance will not increase based solely upon the birth of a child. Medicaid, food stamps, child care benefits, and general increases provided to all recipients are excluded from the cap. Five additional exceptions to the cap are included. Changes in these rulemakings since their proposal include stating that selected local officers will be designated as research sites; making research cases subject to the Family Accountability Demonstration provisions; changing the effective date of the capping of cash assistance from 10/1/95 to 1/1/96; and providing that the assistance level may be increased if a child is born to a minor included in an AFDC grant who becomes a first-time parent.

Questions/requests for copies of the 2 rulemakings above: Judy Umunna, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

RULES RECODIFIED

The DEPARTMENT OF INSURANCE announced that it is recodifying the following 5 Parts: "Cost Containment Form and Data Reporting Requirements" (50 Ill Adm Code 6602), "Insurance Cost Containment Annual Fee" (50 Ill Adm Code 6601), "Internal

Security Standard and Fidelity Bonds" (50 Ill Adm Code 5701), "Notice of Eligibility" (50 Ill Adm Code 6701), and "Requirements" (50 Ill Adm Code 6201). The new Part numbers are, in the same order as the above, Parts 4202, 4201, 5460, 5301, and 5601.

Questions/requests for copies: Denise Fuchs (217/785-8560) at the DOI address above.

POULTRY

The DEPARTMENT OF AGRICULTURE adopted amendments to "Diseased Animals" (8 Ill Adm Code 85) by emergency rulemaking, effective 4/30/96, for a maximum of 150 days, to require that suspected cases of infectious encephalomyelitis, infectious laryngotracheitis and paramyxovirus infection in poultry be added to the list of diseases that shall be reported immediately to the Department. DOA states that these tests are required by Russia before accepting U.S. imported poultry. Small businesses affected by this rulemaking include turkey producers and other poultry producers who export to Russia.

Questions/requests for copies: Dr. Richard Hull, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/782-4944, FAX 217/524-7702.

Proposed Regulations

Questions/requests for copies/comments until 6/24/96: Carol Sudman, Office of the SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094.

EXPEDITED CORRECTION

The DEPARTMENT OF AGRICUL-

TURE requested an expedited correction of rules entitled "Grain Code" (8 Ill Adm Code 281) to correct a citation to the Illinois Compiled Statutes in the authority note. This rulemaking was adopted in the 4/12/96 issue of the *Illinois Register*.

Questions/requests for copies: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 5/21/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Pay Plan" (80 Ill Adm Code 310) proposed 3/22/96 (20 Ill Reg 4491)

SECRETARY OF STATE

"Regulations Under the Illinois Business Brokers Act of 1995" (14 Ill Adm Code 140) proposed 3/15/96 (20 Ill Reg 4260).

"Regulations Under the Business Opportunity Sales Law of 1995" (14 Ill Adm Code 135) proposed 3/15/96 (20 Ill Reg 4239)

"Regulations Under the Illinois Loan Brokers Act of 1995" (14 Ill Adm Code 145) proposed 3/15/96 (20 Ill Reg 4287)

ILLINOIS COMMERCE COMMISSION

"Effect of Adoption of Least-Cost Plans" (83 Ill Adm Code 441) proposed 1/19/96 (20 Ill Reg 969)

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

"Part-Time Basic Training" (20 Ill Adm Code 1770) proposed 11/13/95 (19 Ill Reg 15331)

DEPARTMENT OF NATURAL RESOURCES

"Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030) proposed 3/15/96 (20 Ill Reg 4233)

DEPARTMENT OF PROFESSIONAL REGULATION

"Clinical Psychologist Licensing Act" (68 Ill Adm Code 1400) proposed 3/22/96 (20 Ill Reg 4521)

PRINTED BY THE AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12541 - MAY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
MAY 24 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

18.02
26x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

May 17, 1996

Issue 20

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

PUBLIC HEALTH LABS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "Laboratory Service Fees" (77 Ill Adm Code 475), effective 5/5/96, to expand the services offered by DPH's laboratory. A new section is added to list service fees and fee exceptions. Changes in this rulemaking since its proposal include changing the Part name and the rulemaking's applicability. Amendments limit the persons eligible for departmental laboratory services to public and private Illinois schools and non-community public water supplies serving a population of fewer than 100 individuals. Laboratory marketing sales cost is added as a component of the actual cost of performing laboratory services. Barium, mercury, and selenium are deleted from the list of metals for which testing will be offered, and new testing methods are added for inorganics (metals), herbicides, pesticides, and volatile organic compounds. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include physicians, family planning clinics, local health departments, other health care providers, and schools.

BATHING BEACHES

DPH also adopted amendments to "Swimming Pool and Bathing Beach Code" (77 Ill Adm Code 820), effective 5/25/96, to amend or add standards applicable to bathing beach construction and operation. Topics covered include water quality, toilet facilities, water depths, management personnel, bather density/sq.ft., schistosome dermatitis, garbage containers, safety equipment that includes a telephone, infant attire, required posting of regulations, and prohibited swimming times. Changes in this rulemaking since its proposal include amending the bacteriologic water quality testing procedures. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those operating bathing beaches.

Questions/requests for copies of the 2 rulemakings above: Gail M. DeVito, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187.

BUSINESS


The SECRETARY OF STATE adopted amendments for rules entitled "Busi-
(cont'd next page)

DENTISTS

The DEPARTMENT OF PROFESSIONAL REGULATION proposed amendments to rules entitled "Illinois Dental Practice Act" (68 Ill Adm Code 1220) to reflect recent statutory revisions. A new section is added to require reporting adverse occurrences to DPR that resulted in patient death, permanent organic brain dysfunction, or hospitalization for physical injury within 30 days of the incident. The rulemaking also allows dental hygienists to utilize subgingival chemotherapeutic modalities under a dentist's direction/supervision and specifies that a hygienist trained to administer nitrous oxide is responsible for submitting certification to the dentist that the required course has been taken within the past 5 years. Other topics include allowing an applicant near the end of clinical training to sit for the preclinical exam, relabeling the components of the clinical exam, changing the name of a temporary teaching license to a restricted faculty license, and clarifying that a licensure candidate is not required to complete remedial education for non-patient-based exercises before retaking a licensure exam. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that train dentists and dental hygienists or provide dental services.

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

 : Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

(cont'd page 5)

New Regulations

ness Corporation Act" (14 Ill Adm Code 150), "General Not for Profit Corporations" (14 Ill Adm Code 160), "Limited Liability Company Act" (14 Ill Adm Code 178), "Revised Uniform Limited Partnership Act" (14 Ill Adm Code 170), and "Uniform Commercial Code" (14 Ill Adm Code 180), effective 5/8/96.

The rulemakings update statutory citations and SOS addresses. Additionally, Part 150 amends the price and available formats for corporate information, clarifies certain terms, prohibits offensive corporate names, and adds professional boxing and wrestling to the list of professional corporations. Also, the price of the annual corporation list is capped at \$200. Part 160 increases the abstract of corporate record fee and allows some fees to be paid by personal check. Part 178 amends procedures whereby foreign limited liability companies are admitted to transact business in Illinois. Part 170 adds a new section concerning interrogatories, and the Part 180 specifies that Uniform Commercial Code weekly updates shall be available through modem access only, rather than through computer tapes. Changes since these rulemakings were proposed include specifying that fee payments by credit card require credit card approval by the SOS Department of Accounting Review through contracts let pursuant to bid. Small businesses and not-for-profit corporations affected by these rulemakings include those coming under the provisions of the acts cited above or those desiring to purchase information from the Uniform Commercial Code.

Questions/requests for copies of the 5 rulemakings above: Dale Reynolds, SOS, 328 Howlett Bldg., Springfield IL 62756, 217/782-9524.

THE LOTTERY

The DEPARTMENT OF THE LOTTERY adopted a new Part entitled "Organization, Rulemaking and Public Information" (2 Ill Adm Code 1350), effective 5/7/96, to specify the Department's organizational structure

and include an organization chart. Other topics covered include definitions, rulemaking procedures, and Freedom of Information Act requests.

Questions/requests for copies: Lisa A. Crites, DOL, 201 E. Madison St., Springfield IL 62702, 217/524-5253.

RADIATION

The DEPARTMENT OF NUCLEAR SAFETY adopted amendments to "Licensing Requirements for Land Disposal of Radioactive Waste" (32 Ill Adm Code 601) and "Registration of Radioactive Material, Radiation Machines, and Radiation Installations" (32 Ill Adm Code 320), effective 5/1/96. Part 320 specifies that installation operators will be billed for the annual \$10 radiation machine registration fee with payment due within 60 days. Part 601 amendments add structures to the definition of "land disposal facility" and require that technical information provided pertaining to site suitability include a description of a quality assurance program tailored to low-level radioactive waste (LLW) disposal. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those that possess radiation machines that must be registered under the Radiation Installation Act.

Questions/requests for copies of the 2 rulemakings above: Robert B. Holtsclaw for Part 320 (217/524-1003) and Valerie Puccini for Part 601 (217/785-9880), DNS, 1035 Outer Park Dr., Springfield IL 62704, TDD 217/782-6133.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted amendments to "Developmental Disabilities Services" (89 Ill Adm Code 144) and "Reimbursement for Nursing Costs for Geriatric Facilities" (89 Ill Adm Code 147), effective 5/6/96. The rulemakings allow a \$.10 per resident day add-on for emergency dental services, including treatment of broken or otherwise damaged teeth or

any other oral cavity problem requiring immediate attention for Medicaid-eligible residents in nursing homes and ICF/MR facilities. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate ICF/MR and nursing facilities.

DPA also adopted amendments to "Medical Payment" (89 Ill Adm Code 140), effective 5/6/96. These amendments establish the Recipient Eligibility Verification (REV) System, which offers computerized Medicaid eligibility and claims history information through contractors to medical services providers (subscribers) who contract to participate. The amendments also allow non-nursing staff from the Bureau of Long Term Care to give post-payment approval of nursing facility bed reserves (such approval was previously made by professional nurses) and change the index used to compute building costs in the long-term care capital rate methodology. According to DPA, the publication entitled *Dodge Construction Systems Costs* is no longer widely available and is being replaced by *Means Building Construction Cost*. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include nursing and long-term care facilities and enrolled medical service providers who contract to participate in the REV System.

Questions/requests for copies of the 3 rulemakings above: Joanne Jones, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

TAXES

The DEPARTMENT OF REVENUE adopted amendments for the following 4 Parts, effective 5/7/96: "Retailers' Occupation Tax" (86 Ill Adm Code 130), "Service Use Tax" (86 Ill Adm Code 160), "Service Occupation Tax" (86 Ill Adm Code 140), and "Use Tax" (86 Ill Adm Code 150). All of the Parts accelerate tax due dates from the last day to the 20th day of the month, and Part 150 also changes the tax liability

New Regulations

withdrawn; requiring that information provided on transmittal sheets be typewritten; and providing that a

FEIN prefix be added to filing numbers on forms acquired through an assumption certificate.

Questions/requests for copies: Nancy Simpson, DOI, 320 W. Washington, Springfield IL 62767-0001, 217/782-1771.

Proposed Regulations

PODIATRISTS

DPR also proposed an amendment to rules entitled "Podiatric Medical Practice Act of 1987" (68 Ill Adm Code 1360) to state that a podiatric physician may advertise certification by a certifying specialty board approved by the Podiatric Medical Licensing Board or Council on Podiatric Medical Education. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of podiatric physicians.

Questions/requests for copies/comments concerning the 2 rulemakings above until 7/1/96: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, FAX 217/782-7645.

ADULT DAY CARE

The DEPARTMENT ON AGING proposed amendments for "Community Care Program" (89 Ill Adm Code 240) to define adult day care services in hourly units rather than 5-hr. units. The total number of reimbursable hours is not changed. The rulemaking also strikes a 1980 date for the incorporation by reference of daily dietary standards established by the Food and Nutrition Board of the National Research Council. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include adult day care providers and case coordination units.

Questions/requests for copies/

comments until 7/1/96: Pamela Balmer, DoA, 421 E. Capitol Ave. #100, Springfield IL 62701-1789, Attn. Adult Day Care Unit, 217/782-4842.

MEAT AND POULTRY

The DEPARTMENT OF AGRICULTURE proposed an amendment to rules entitled "Meat and Poultry Act" (8 Ill Adm Code 125) to increase fees for overtime and holiday inspection services and to include associated travel time in the hourly overtime charge calculation. The current daily and weekend \$15 per hr. overtime rate and \$10 per hr. holiday rate are changed to \$25 per hr. for both holiday and non-holiday overtime. Small businesses affected by this rulemaking include meat and poultry processors or slaughterers.

Questions/requests for copies/comments until 7/1/96: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

NATURAL RESOURCES

The DEPARTMENT OF NATURAL RESOURCES proposed a new Part entitled "Advertising in Department Publications" (17 Ill Adm Code 2650) to specify standards for advertising in DNR publications or on electronic programs. Topics covered include definitions, prohibited advertising, "Outdoor Illinois" requirements, discounts, and cancellations. The rulemaking also states that advertising in DNR publications other than "Outdoor Illinois", on licenses or permits, or via electronic media shall be by contract after public notice and sealed bid. Small businesses, small

municipalities, and not-for-profit corporations affected by this rulemaking include those seeking to advertise in DNR publications or on DNR electronic programs.

Questions/requests for copies/comments until 7/1/96: Jack Price at the DNR address above.

PUPIL TRANSPORTATION

The DEPARTMENT OF TRANSPORTATION proposed amendments for "Rules on Transporting Pupils Where Walking Constitutes a Serious Safety Hazard" (92 Ill Adm Code 556). Amendments to the definition of "walkway" specify that walkways immediately adjacent to a road must be maintained in suitable walking condition throughout the school year and add paths created by school districts or other groups on public land that may be used by children to avoid a more hazardous route. The rulemaking also states that long-term construction projects or other temporary conditions may affect route safety and contribute to a serious safety hazard finding. Concerning the assignment of point values to various factors that impact upon a serious safety hazard determination, the 7th and 8th grade pupil category is assigned 5 points rather than the current 2 points. Previously, the 5-point category covered grades K-6.

Questions/request for copies/comments until 7/1/96: R.W. Jones, DOT, 2300 S. Dirksen Pkwy., Rm. 009, Springfield IL 62764, 217/782-7231.

New Regulations

ADOPTION ASSISTANCE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to "Services Delivered by the Department" (89 Ill Adm Code 302), effective 5/1/96. An identical emergency rulemaking was adopted 11/28/95. These amendments redefine the requirements necessary to be considered a child with special needs and establish a new method of calculating the amount of ongoing monthly adoption assistance that takes into account the specific circumstances of the adoptive parents and the special needs of the child being adopted. The amendments implement Public Act 89-21, which establishes an adoption assistance ongoing monthly rate at least \$25 less than the monthly cost of care in a licensed foster home. Changes in this rulemaking since its proposal include adding an appendix entitled "Calculating the Amount of Adoption Assistance" and clarifying that for ongoing monthly payments to be provided, the child must be one for whom DCFS was legally responsible when the adoption petition was filed.

Questions/requests for copies: Jacqueline Nottingham, DCFS, Office of Rules and Procedures, 406 E. Monroe, Station #222, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715.

PRISON SENTENCES

The DEPARTMENT OF CORRECTIONS adopted amendments for "Records of Committed Persons" (20 Ill Adm Code 107), effective 5/5/96, in response to recent Illinois Supreme Court rulings and passage of the Truth in Sentencing Law. The rulemaking provides that the amount of good conduct credits applied to determine sentences for offenses committed on or after 8/20/95 will

vary based upon the type of offense. No meritorious good time shall be applicable to certain specified offenses, and violent juvenile offenders are added to habitual juvenile offenders in the category of those not eligible for meritorious good time. A new provision is also added to make certain persons convicted of offenses committed between 9/10/90 and 8/10/93 eligible to receive good conduct credits at the rate of .25 a day when they achieve specific educational goals.

SECURE YOUTH FACILITIES

The DEPARTMENT OF CORRECTIONS adopted a new Part entitled "Secure Residential Youth Care Facilities" (20 Ill Adm Code 801), effective 5/5/96, to replace a similar emergency rulemaking concerning emergency licensure that went into effect 12/7/95. These rules establish procedures for licensure and standards for operation of secure residential youth care facilities by any person, group, corporation, or entity other than a DOC facility. Such facilities will provide a secure residential setting for the care, treatment and custody of certain youth 18 years old or under who have been adjudicated delinquent and transferred to DOC custody. Topics covered include definitions, variances, licensure requirements, permits, complaint procedures, admission and release policies, staff training, physical plant, discipline, health care, and recordkeeping. DOC states that the adopted rule differs from the proposed rule in the following respects: content of reports and forms required under the rules has been included; facilities are required to certify, rather than provide documentation of, compliance with all applicable laws and ordinances; a waiver provision is added for standards if safety and security are not jeopardized; standards for exercise of discretion have been added where applicable; and clarifications regarding health care, education, release, and other topics

have been made. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those planning to operate secure residential youth care facilities.

Questions/requests for copies of the 2 rulemakings above: Donald N. Snyder, Jr., DoC, 1301 Concordia Ct., PO Box 19277, Springfield IL 62794-9277, 217/522-2666, ex. 2082.

INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments for "Required Procedure for Filing and Securing Approval of Life Insurance, Annuity and Accident and Health Insurance, Voluntary Health Services Plans, Vision Service Plans, Dental Service Plans, Pharmaceutical Service Plans, Limited Health Service Organizations and Health Maintenance Organizations Policy Forms" (50 Ill Adm Code 916), effective 5/1/96. The rulemaking requires each insurance company doing business in Illinois to submit a Certificate of Compliance (formerly called a Certificate of Compliance and Consent to Future Discontinuance of Use of Approved Policy Form) on 7/1/96 and each July 1st thereafter for all previously approved policy forms on file with DOI and for all policy form filings to be made during the next fiscal year. Every May, a listing of approved forms on file will be provided to each company, and companies are required to notify DOI of forms withdrawn without replacement. Definitions are amended or added, and provisions are specified for electronic information transfers. Various forms, guides, instructions, and transmittal sheets are also amended. Changes in this rulemaking since its proposal include specifying that long-term care policy forms that require premium rate filings may not be

New Regulations

threshold from \$20 to \$50 per month for eligibility to file on an annual basis. Part 130 further states that returns must be signed, and those that remain unsigned following notification will be deemed valid after 30 days. The rulemaking also specifies that beginning 1/1/96, quarter monthly filers must pay an amount equal to either 22.5% actual monthly liability or 25% of the taxpayer's liability for the same calendar month of the preceding year. Between 1/1/89 and 1/1/96, such taxpayer also has the option to pay an amount equal to 100% actual monthly liability. Lastly, a subsection concerning overpayments specifies that the Department will issue a credit memorandum to the taxpayer only if it is requested by the taxpayer. Small businesses affected by these 4 rulemakings include those liable for the taxes collected by DOR under these Parts.

Questions/requests for copies of the 4 rulemakings above: George Sorensen, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

DOR also adopted amendments to "Income Tax" (86 Ill Adm Code 100), effective 5/7/96. Identical emergency rules became effective 1/9/96. This rulemaking permits the Department to use all collection methods authorized for the collection of delinquent personal income tax liability to also collect certain child support arrearages certified to the Department by DPA. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include employers of parties whose child support payments are delinquent

Questions/requests for copies: Keith Staats at the DOR address above, 217/782-7055.

DEER HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments for "White-Tailed Deer Hunting by Use of Bow and Arrow" (17 Ill Adm Code

670) and "White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles" (17 Ill Adm Code 660), effective 5/6/96. Both Parts amend hunting dates and add or delete sites in the lists of areas where statewide regulations apply. They also remove the requirement that persons delivering deer or deer parts to a furbuyer supply their deer permit number. Part 670 indicates that wheelchair accessible blinds are available at the Joliet Army Ammunition Plant and will be allocated on a first-come basis. The rulemaking also clarifies what information must be included on various types of permits. Changes since 1st Notice include specifying that no hunter may harvest more than 2 antlered deer during the archery season but may, under certain conditions, harvest an additional deer that is antlerless. Site-specific regulations were changed for Coffeen Lake, Shelbyville, Little Vermilion, and Clinton Lake. Small businesses affected by these rulemakings include furbuyers.

CAMPING

The DEPARTMENT adopted amendments to "Camping on Department of Natural Resources Properties" (17 Ill Adm Code 130), effective 5/6/96, to change references from the Department of Conservation to the Department of Natural Resources, allow the Department to charge for walk-in or backpack campsites that have access to showers, and charge the same rate for youth and adult groups at Dixon Springs and Pere Marquette.

BOATING

DNR adopted an amendment for "Rental of Boats and Boating Facilities" (17 Ill Adm Code 210), effective 5/6/96, to allow DNR concessionaires to use pre-numbered, DNR-approved boat registration forms instead of the current CA-6 form, if they choose. All persons renting boats must complete a boat registration form at the time and location of the rental. Small businesses affected by this rulemaking include boat rental concessionaires at DNR sites.

WETLANDS POLICY

DNR also adopted a new Part entitled "Implementation Procedures for the Interagency Wetlands Policy Act" (17 Ill Adm Code 1090), effective 5/6/96, to create a review process for any State agency action or financing of construction, land management, or other activity that adversely impacts wetlands. Topics covered include definitions, covered and exempted actions, the Interagency Wetlands Committee (IWC), agency action plans, wetlands compensation plans, and transfer and management of areas. Changes in this rulemaking since its proposal include exempting additional activities from this Part. One example is exemption of construction projects let for bidding prior to the effective date of these rules. Also, both DNR and the IWC will receive and consider public comment on proposed technical procedures, and DNR will attempt to notify associations whose members will be expected to utilize any new technical procedures. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those seeking State financing for projects that impact upon wetlands.

Questions/requests for copies of the 5 rulemakings above: Jack Price, DNR, 524 S. 2nd St., Rm. 430, Springfield IL 62701-1787, 217/782-1809.

INSURANCE AND SURETY

The CAPITAL DEVELOPMENT BOARD adopted the repeal of "Insurance and Surety Companies" (44 Ill Adm Code 1050), effective 5/7/96. The Board plans to replace the repealed rules with contract provisions setting requirements for bonds and insurance. Small businesses affected by this rulemaking include small bonding and insurance brokerage firms and construction contractors.

Questions/requests for copies: Claire Gibson, CDB, 3rd Fl., Stratton Bldg., Springfield IL 62706, 217/782-2864.

Proposed Regulations

RULE WITHDRAWAL

The DEPARTMENT OF CORRECTIONS withdrew a proposed new Part entitled "Secure Residential Youth Care Facilities" (20 Ill Adm Code 801) that accompanied an identical emergency rulemaking adopted in the 12/22/95 *Illinois Register*. These rules established procedures for emergency licensure and standards for operation of secure residential youth care facilities

by currently licensed DCFS child care facilities. Effective 5/5/96, the Department is adopting a different version of this rulemaking under the same title and Part number. For more information, see the adopted rulemaking in this issue of the newsletter.

EXPEDITED CORRECTION

The DEPARTMENT OF REHABILITATION SERVICES requested an expedited

correction for "Appeals and Hearings" (89 Ill Adm Code 510) to correct a form number that was incorrectly cited in a rulemaking adopted 11/29/93.

Questions/requests for copies: Susan Warrner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The Public Aid rulemaking will be considered at the 5/21/96 meeting and the Comptroller's rulemaking will be considered at the 6/25/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF PUBLIC AID

"Hospital Services" (89 Ill Adm Code 148) proposed 3/1/96 (20 Ill Reg 3801)

OFFICE OF THE COMPTROLLER

"Illinois Funeral or Burial Funds Act" (38 Ill Adm Code 610) proposed 3/1/96 (20 Ill Reg 3655)

PRINTED BY THE AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12631 - MAY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
MAY 31 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

May 24, 1996

Issue 21

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

LABOR RELATIONS BOARDS

The ILLINOIS STATE AND LOCAL LABOR RELATIONS BOARDS adopted amendments to the following 5 Parts, effective 5/10/96: "Freedom of Information" (2 Ill Adm Code 2501), "General Procedures" (80 Ill Adm Code 1200), "Public Information, Rulemaking and Organization" (2 Ill Adm Code 2500), "Representation Proceedings" (80 Ill Adm Code 1210), and "Unfair Labor Practice Proceedings" (80 Ill Adm Code 1220). Part 2500 and 2501 amendments reflect that separate staffs for the 2 boards have been combined and Chicago board offices relocated. Part 2501 also adds investigative files concerning objections to elections and materials relating to Board litigation to the list of records considered confidential and exempt from disclosure to the public. Part 1200 prohibits indefinite hearing continuances and clarifies the acceptable maximum length for briefs. Part 1210 amends adjudication of representation and decertification petitions and specifies that intermediate rulings of an administrative law judge shall not be subject to interlocutory appeal. Part 1220 amendments state that failure to

file a timely answer shall be deemed admission of both material facts and legal conclusions, and failure to file an answer shall be cause for termination of a proceeding and entry of a default order.

Questions/requests for copies of the 5 rulemakings above: Lydia Mills Wendt, ISLRB, 320 W. Washington, Ste. 500, Springfield IL 62701, 217/785-3155, FAX 217/785-4146.

LABOR

The DEPARTMENT OF LABOR adopted amendments for "Health and Safety" (56 Ill Adm Code 350), effective 5/10/96, to incorporate federal occupational and safety rules that became effective 7/1/95 and were amended in recent months. According to DOL, extension of asbestos standard compliance dates and a stay of certain logging standards are the most significant changes. The rulemaking also states that certain occupational "incidences" rather than "accidents" shall be reported to DOL. All public sector work sites are affected by this rulemaking.

(cont'd next page)

Proposed Regulations

ALCOHOLISM AND SUBSTANCE ABUSE

The DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE proposed the repeal of 2 Parts entitled "Driving Under the Influence Programs" (77 Ill Adm Code 2056) and "Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs" (77 Ill Adm Code 2058). Two proposed new Parts are entitled "Alcoholism and Substance Abuse Treatment and Intervention Licenses" (77 Ill Adm Code 2060) and "Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs" (77 Ill Adm Code 2057). Most of the subject matter of the 2 repealed Parts is covered under new Part 2060. According to DASA, new treatment program requirements, early intervention programs for DUI drivers, and minimum standards for recovery homes are significantly changed. The BASSET program provisions of repealed Part 2056 are moved to the new Part 2057, except mandatory attendance of all instructors at a DASA training session is eliminated. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those providing substance abuse treatment or intervention services and those liquor license holders, alcohol distributorships, training organizations, or others that provide BASSET programs.

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

Questions/requests for copies: Lenore Killam, DOL, 1 West Old State Capitol Plaza, Rm. 300, Springfield IL 62701, 217/782-9386.

STATE EMPLOYEE TRAVEL

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments for "Travel" (80 Ill Adm Code 2800) and "The Travel Regulation Council" (80 Ill Adm Code 3000), effective 5/13/96. Part 2800 amendments clarify that exceptions to the travel rules must be approved by the Chairman of the Governor's Travel Control Board rather than the Director of DCMS. Part 3000 amendments allow the State to defer any mileage reimbursement rate change to the beginning of the next fiscal year rather than becoming effective when rates are changed by the federal government. Filing dates for forms indicating an employee's headquarters are changed, also.

Questions/requests for copies of the 2 rulemakings above: Stephen W. Seiple, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/782-9669, TDD 217/785-3979.

STATE EMPLOYEES

DCMS also adopted amendments by peremptory rulemaking to "Pay Plan" (80 Ill Adm Code 310), effective 5/14/96, to add Revenue Tax Specialist I and II and Revenue Tax Specialist Trainee classes. Classes deleted include: Tax Examiner, Tax Examiner Trainee, and Taxpayer Service Representative I, II and III. The new titles and rates are included under the compensation for Fiscal Year 1997 and under the 2-tiered rate scale for out-of-state positions that provides a differential above in-state compensation levels for positions in California and New Jersey.

Questions/requests for copies: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217-782-5601.

DEVELOPMENTAL DISABILITIES

The DEPARTMENT OF PUBLIC AID amended "Developmental Disabilities Service" (89 Ill Adm Code 144) by emergency rulemaking, effective 5/24/96, for a maximum of 150 days. An identical proposed amendment appears in this issue of the *Illinois*

Register. These amendments allow DMHDD to make exceptional care payments to long-term care facilities designated "ICF/MR(SNF/Ped license)" for the care of developmentally disabled children with high medical needs. Topics covered include a definition of exceptional care; program, staffing and training requirements; emergency policy and procedure requirements; required written provider agreements; provider approval and the voluntary termination process; payment eligibility; and monitoring. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include long-term care facilities providing skilled nursing care for clients with developmental disabilities who are under the age of 21 at the time of admission to the facility.

Questions/requests for copies/comments concerning the proposed rulemaking until 7/8/96: Joanne Jones, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

Proposed Regulations

Questions/requests for copies/comments until 7/8/96 concerning the 4 rulemakings above: Norma J. Seibert, DASA, 222 S. College, 2nd Fl., Springfield IL 62704, 217/785-8353. Public hearings are scheduled for 6/4/96, 10:00 a.m.-12:00 p.m. at the James R. Thompson Center, 100 W. Randolph, Rm. 025, 2nd Fl., Chicago and for 6/5/96, 1:00 p.m. - 3:00 p.m. at the State House, Rm. 212, Springfield.

DMHDD HEARINGS

The DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES proposed amending "Administration" (59 Ill Adm Code 101). A new section specifies procedures

applicable to most DMHDD hearings, according to the agency. Topics covered include definitions, representation, notice, preliminary review, administrative law judges, pre-hearing conferences, discovery, evidence, decisions, appeals, and waivers. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing mental health or developmental disabilities services licensed or certified by DMHDD.


Questions/requests for copies/comments until 7/8/96: Judith Hollenberg, DMHDD, 401 Stratton Bldg., Springfield IL 62765, 217/785-3313, FAX 217/524-8920.

DISADVANTAGED BUSINESS ENTERPRISES

The DEPARTMENT OF TRANSPORTATION proposed amendments to "Disadvantaged Business Enterprises" (92 Ill Adm Code 10) to clarify that only concerns and joint ventures meeting the definition of a disadvantaged business enterprise (DBE) as determined by federal eligibility standards may be certified to participate in the Department's DBE program. Small businesses affected by this rulemaking include those seeking to secure DOT contracts under the DBE program.

Questions/requests for copies/comments until 7/8/96: Beverly R. Peters,

Proposed Regulations

DOT, 2300 S. Dirksen Pkwy., Rm. 319,  **PROPERTY TAX**
Springfield IL 62764, 217/785-5947.

CHILD SUPPORT

The DEPARTMENT OF PUBLIC AID proposed amendments to "Child Support Enforcement" (89 Ill Adm Code 160) to require DPA to report payment records of responsible relatives in "IV-D cases" to consumer reporting agencies when the amount of past-due support equals or exceeds that required for intercepting federal income tax refunds. "IV-D cases" refers to certain federally defined child support and paternity determinations for families and their children on public aid. Currently, arrearages exceeding \$1,000 may be reported upon the request of a consumer reporting agency. The rulemaking also shortens from 30 days to 15 days the time period allowed for requesting a hearing to contest a past-due child support redetermination.

Questions/requests for copies/comments until 7/8/96: Judy Umunna at the DPA address above.

The DEPARTMENT OF REVENUE proposed amendments to "Property Tax Code" (86 Ill Adm Code 110) to update statutory references and change forms prefixes from PTAB to PTAX to eliminate confusion with form prefixes used by the Property Tax Appeals Board. The rulemaking requires smaller railroads to provide assessment information equivalent to that required from larger railroads; requires all railroad companies to file the location and legal description of their track, improvements, trackage rights, operating property off the right-of-way, and non-carrier real estate with the Department; and provides a 50% penalty for failure to timely file property documentation. Other amended topics include non-homestead exemption proceedings, oil right lessees and producers, reports filed with the Department by county officials, hearings and records of chief county assessment officers, assessment reviews in counties of 3,000,000 or more, and board of review procedures and records in counties of less than

3,000,000. The rulemaking also amends practice and procedure for property tax hearings, record reproduction fees, appointment or election of board of review members after examination, multi-township assessment districts in 3 counties, farmland assessment review procedures, assessors' bonuses, equalization by chief county assessment officers in counties with less than 3,000,000 inhabitants, supervisor of assessment examination, and property tax extension limitation. Small businesses, small municipalities and not-for-profit corporations may be affected by these amendments.

Questions/requests for copies/comments until 7/8/96: Jerry Lanter, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6336.

JCAR Meeting Action

The Joint Committee on Administrative Rules voted the 3 Recommendations below at its 5/21/96 meeting:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JCAR considered "Pay Plan" (80 Ill Adm Code 310) (20 Ill Reg 4091) and recommends that the Department propose and adopt its pay plan rulemakings in a more timely manner, whether through regular or peremptory rulemaking, and that it submit copies of collective bargaining agreements, court orders or federal regulations that prompt peremptory rulemaking to the Joint Committee when or before the rulemaking is filed with the Index Department, pursuant to Section 240.300 of the Committee's operational rules.

LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

JCAR considered "Part-Time Basic Training" (20 Ill Adm Code 1770) and recommends that before adoption, the Board meet with members of the affected public in an effort to reach agreement on a definition of "part-time police officer" that is less potentially burdensome on local governments, and JCAR specifically encourages the Board to review independently the hours an officer works for each local governmental agency in determining whether the officer is a part-time officer for purposes of Part 1770.

DEPARTMENT OF STATE POLICE

Concerning "Child Sex Offender Community Notification Law" (20 Ill Adm Code 1282) (20 Ill Reg 4043), the Committee recommends that the Department of State Police not adopt the rulemaking until clear statutory authority for this provision is in place and legally enforceable and any modifications necessary to ensure its consistency with the authorizing statute have been made.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 6/25/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF NUCLEAR SAFETY

"Radiation Inspectors and Inspections" (32 Ill Adm Code 410) proposed 2/9/96 (20 Ill Reg 2314)

DEPARTMENT ON AGING

"Community Care Program" (89 Ill Adm Code 240) proposed 2/16/96 (20 Ill Reg 2627)

DEPARTMENT OF HUMAN RIGHTS

"Procedural" (56 Ill Adm Code 2520) proposed 3/29/96 (20 Ill Reg 4892)

DEPARTMENT OF PUBLIC HEALTH

"Hospital Licensing Requirements" (77 Ill Adm Code 250) proposed 1/5/96 (20 Ill Reg 192)

DEPARTMENT OF INSURANCE

Repeal of "Preferred Provider Program Administrators" (50 Ill Adm Code 6501) proposed 3/1/96 (20 Ill Reg 3677)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Appeal of Child Abuse and Neglect Investigation Findings" (89 Ill Adm Code 336) proposed 3/22/96 (20 Ill Reg 4511)

"Reports of Child Abuse and Neglect" (89 Ill Adm Code 300) proposed 3/22/96 (20 Ill Reg 4513)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12723 - MAY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
JUN 07 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

18.02
26x

The Flinn Report

DOC

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

May 31, 1996

Issue 22

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

AIDS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to "AIDS Drug Reimbursement Program" (77 Ill Adm Code 692), effective 5/15/96, to add a list of 5 drug categories that are reimbursable to replace a list of 8 specific drugs. This rulemaking has been changed since its proposal to modify category III drugs to include drugs for prophylaxis, as well as treatment of opportunistic infections and anti-microbials. Small businesses affected by this rulemaking include drug producers, distributors, and sellers.

definitions and voter registration procedures used at local agencies administering the nutrition program for women, infants and children (WIC). Changes in this rulemaking since its proposal include modifying the definition of applicant to refer to a woman who requests, but does not necessarily obtain, WIC services. Small businesses affected by this rulemaking include local WIC agencies.

Questions/requests for copies of the 2 rulemakings above: Gail M. DeVito, DPH, Division of Governmental Affairs, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187.

VOTER REGISTRATION

The DEPARTMENT also adopted a new Part entitled "Voter Registration for WIC Applicants and Participants" (77 Ill Adm Code 670), effective 5/15/96, to replace an identical emergency rulemaking adopted 10/10/95. The rulemaking implements the National Voter Registration Act of 1993 (NVRA) for federal elections only and is in addition to current registration provisions contained in the Illinois Election Code. Topics covered include

DEER HUNTING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to rules entitled "White-Tailed Deer Hunting by Use of Firearms" (17 Ill Adm Code 650), effective 5/20/96, to amend hunting dates and add or delete sites in the lists of areas where statewide regulations apply. Wheelchair accessible blinds are available at the Joliet Army Ammunition Plant and will be allocated on a first-come basis. The requirement that persons deliver-

(cont'd next page)

JOB TRAINING

The DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS proposed amendments for "Service Delivery System and State Responsibilities" (56 Ill Adm Code 2600) concerning the Job Training Partnership Act (JTPA) program. The requirement that petitions for redesignation of service delivery areas must be filed at least 18 months before the program year begins is stricken. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those desiring to participate in the JTPA program.

Questions/requests for copies/comments until 7/15/96: Boyd Link, DCCA, 620 E. Adams St., 4th Fl., Springfield IL 62701, 217/785-6273.

HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments for "Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting" (17 Ill Adm Code 530) and a new Part entitled "Youth Hunting Season for White-Tailed Deer" (17 Ill Adm Code 685). Part 685 establishes a statewide season for a yearly youth white-tailed deer hunt the 1st weekend after October 11th. Topics covered include permit and firearm requirements, fees, applications, bag limits, and announcement of site locations.

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

ing deer or deer parts to a furbuyer must supply their deer permit number is stricken, and trust agreement provisions that pertain to landowner/tenant permits are clarified. Additionally, Wolf Creek State Park in Shelby County is removed from the special hunt sites list. Changes in this rulemaking since its proposal include adding Little Vermilion to the list of sites at which statewide regulations apply.

Questions/requests for copies: Jack Price at the DNR address below.

LIQUOR CONTROL

The LIQUOR CONTROL COMMISSION adopted amendments to "Public Information, Rulemaking and Organization" (2 Ill Adm Code 2075), effective 6/1/96, to update the agency address and statutory references, as well as make the liquor license certificate, rather than the liquor license application, available for public inspection. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that possess liquor licenses approved by the Commission.

Questions/requests for copies: Arabel Alva Rosales, LCC, 100 W. Randolph, Ste. 5-300, Chicago IL 60601, 312/814-3930.

RULE CORRECTIONS

The DEPARTMENT OF HUMAN RIGHTS adopted an expedited correction for rules entitled "Access to Information" (2 Ill Adm Code 926), effective 1/4/94, to correct a typographical error that appeared when this rulemaking was adopted in the 1/14/94 *Illinois Register*.

Questions/requests for copies: David T. Rothal, DHR, 100 W. Randolph, Ste. 10-100, Chicago IL 60601, 312/814-6242, TDD 312/263-1579.

The ILLINOIS COMMERCE COMMISSION adopted an expedited correction to "Waiver of Filing and Approval of Certain Sales, Leases and Mortgages" (83 Ill Adm Code 105), effective 1/1/96, to correct typographical errors that appeared when this rulemaking was adopted in the 12/22/95 issue of the *Illinois Register*.

Questions/requests for copies: Conrad Rubinkowski, ICC, 527 E. Capitol Ave., PO Box 19280, Springfield IL 62794-9280, 217/785-3922.

PROPERTY TAX

The DEPARTMENT OF REVENUE adopted a new section for "Property Tax Code" (86 Ill Adm Code 110) by emergency rulemaking, effective 5/21/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemaking implements pre-election and pre-appointment qualifications for township and multi-township assessors, provides for an assessor education certification process, and specifies procedures for qualification revision by the Department.

Questions/requests for copies/comments concerning the proposed rulemaking until 7/15/96: Jerry Lanter, DOR, 101 W. Jefferson, Rm. 5-500, Springfield IL 62794, 217/782-6336.

Proposed Regulations

Part 530 amendments specify that Site M, Sand Ridge, and Wayne Fitzgerald pheasant hunting permits are exempted from the rule that such permits cannot be transferred. Other topics include transfer fees; scheduling controlled pheasant hunting on Mondays and Tuesdays; season dates; daily limits for pheasants, bobwhite quail, and rabbits; 1996 youth pheas-

ant hunting dates and sites; use of bismuth shot; and changes in the list of sites where statewide regulations apply. The rulemaking also strikes Silver Springs State Park from the list of sites where statewide falconry regulations apply and changes the names of Railsplitter State Park and Pike County Conservation Area.

Questions/requests for copies/comments concerning the 2 rulemakings above until 7/15/96: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 6/25/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF REVENUE

"General Rule for All Taxes" (86 Ill Adm Code 800) proposed 3/29/96 (20 Ill Reg 5038)

"Payment of Taxes by Electronic Funds Transfer" (86 Ill Adm Code 750) proposed 3/29/96 (20 Ill Reg 5042)

"Retailers' Occupation Tax" (86 Ill Adm Code 130) proposed 3/29/96 (20 Ill Reg 5047)

DEPARTMENT OF PUBLIC AID

"Developmental Disabilities Services" (89 Ill Adm Code 144) proposed 3/8/96 (20 Ill Reg 4035)

"General Assistance" (89 Ill Adm Code 114) proposed 3/15/96 (20 Ill Reg 4237)

"Developmental Disabilities Services" (89 Ill Adm Code 144) proposed 3/22/96 (20 Ill Reg 4526)

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

"State Toll Highway Rules" (92 Ill Adm Code 2520) proposed 3/22/96 (20 Ill Reg 4589)

DEPARTMENT OF REHABILITATION SERVICES

"Projects with Industry" (89 Ill Adm Code 640) proposed 2/9/96 (20 Ill Reg 2374)

"Provider Requirements, Type Services, and Rates of Payment" (89 Ill Adm Code 686) proposed 2/16/96 (20 Ill Reg 3065)

"Services" (89 Ill Adm Code 590) proposed 2/16/96 (20 Ill Reg 3071)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Pay Plan" (80 Ill Adm Code 310) proposed 4/5/96 (20 Ill Reg 5106)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY THE AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12801 - MAY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY

JUN 12 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN
DEPOSITORY

7 OF ILLINOIS
AT URBANA-CHAMPAIGN

JUN 12 1996

78.02
26x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

June 7, 1996

Issue 23

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted amendments for "Definitions and General Provisions" (35 Ill Adm Code 211) and "Visible and Particulate Matter Emissions" (35 Ill Adm Code 212), effective 5/22/96. Part 211 amendments add definitions for animal, animal pathological waste, and continuous automatic stoking. The definition of opacity is repealed. Part 212 amendments respond to federal EPA requirements that Illinois amend its state implementation plan concerning particulate matter emissions in the moderate nonattainment areas of Cook and Madison counties. According to PCB, the rulemaking establishes a 20% opacity limit on uncaptured particulate matter from basic oxygen furnace shops and a 20% opacity limit on roof ventilators for certain electric arc furnaces. Additional changes are made to clarify existing procedures. Changes in Part 212 since its proposal include clarifying that the operation of magnesium pot furnaces at a secondary aluminum smelting and refining plant located in the Granite City vicinity is limited to no more than two lines (formerly one) at a time. Also, the previously proposed 30% opacity limit on coke oven combustion stacks has

been changed to a 30% opacity limit on each stack. Small businesses affected by these rulemakings include those that emit PM-10 (particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers) in designated Lake Calumet and McCook areas in Cook County and Granite City in Madison County.

Questions/requests for copies of the 2 rulemakings above: Marie Tipsord at the PCB address below, 312/814-4925.

WATER POLLUTION

PCB also adopted amendments for "Water Quality Standards" (35 Ill Adm Code 302), effective 5/24/96, to change the water quality standards for lead and mercury and correct storet numbers for selenium and un-ionized ammonia. The rulemaking allows higher acute levels of lead and mercury and adds a standard for chronic levels of lead and mercury in Illinois waters.

Questions/requests for copies: Diane O'Neill, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6062.

Proposed Regulations

PUBLIC AID

The DEPARTMENT OF PUBLIC AID proposed amendments to "Rights and Responsibilities" (89 Ill Adm Code 102) to add definitions for beneficiary, heir and estate. DPA proposes to define "estate" to include assets of certain decedents previously conveyed to a survivor through joint tenancy, tenancy in common, life estate, survivorship, living trust, or other arrangement and allow a claim against the deceased recipient's estate to be made against the estate of the recipient's deceased spouse, regardless of the order of death. The proposed amendments also allow an estate claim to encompass claims for reimbursement of medical assistance paid for recipients aged 65 years of age or older (formerly 55) prior to 10/1/93 and for recipients aged 55 or older on or after 10/1/93, as well as claims for reimbursement of all medical assistance paid for Medicare cost sharing expenses of a Qualified Medicare Beneficiary (QMB). Further, DPA proposes that to avoid undue hardship, it will waive its right to recover from the decedent's estate to the extent the court awards payment to surviving spouses and dependent children under the Illinois Probate Act, provided the affected parties file a petition to obtain such award. The Department's actions can be appealed to the probate court.

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

SP: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

Proposed Regulations

Questions/requests for copies/comments until 7/22/96: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

GOVERNMENTAL ETHICS

The OFFICE OF THE SECRETARY OF STATE proposed a new Part entitled "Statements of Economic

Interests" (2 Ill Adm Code 565) to extend the filing deadline for statements of economic interests upon a showing of just cause for failure to file in a timely manner. Persons granted filing extensions shall have 30 additional days in which to file forms without penalty. Topics covered include definitions, requests for extensions, reasons for which extensions will or will not be granted, and statutory

penalties for failure to file after receiving a filing extension.

Questions/requests for copies/comments until 7/22/96: Carol Sudman, SOS, General Counsel's Office, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 6/25/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Pay Plan" (80 Ill Adm Code 310) proposed 4/12/96 (20 Ill Reg 5405)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Placement and Visitation Services" (89 Ill Adm Code 301) proposed 7/21/95 (19 Ill Reg 10349)

"Client Service Planning" (89 Ill Adm Code 305) proposed 7/7/95 (19 Ill Reg 8821)

DEPARTMENT OF INSURANCE

"Preferred Provider Program Administrators" (50 Ill Adm Code 2051) proposed 3/8/96 (20 Ill Reg 4025) This rulemaking was omitted in error from the 5/24/96 Second Notice list.

Repeal of "Preferred Provider Program Administrators" (50 Ill Adm Code 6501) proposed 3/1/96 (20 Ill Reg 3677) This rulemaking was listed in error on the 5/24/96 Second Notice list.

"Pre-Licensing and Continuing Education" (50 Ill Adm Code 3119) proposed 3/15/96 (20 Ill Reg 4173)

JCAR Meeting Agenda

DEPARTMENT OF LABOR

"Personnel Records Review Act" (56 Ill Adm Code 355) proposed 3/1/96 (20 Ill Reg 3729)

DEPARTMENT OF NATURAL RESOURCES

"Surface Mined land Conservation and Reclamation Act" (62 Ill Adm Code 300) proposed 3/15/96 (20 Ill Reg 4199)

DEPARTMENT OF PROFESSIONAL REGULATION

"Controlled Substance Act" (77 Ill Adm Code 3100) proposed 4/12/96 (20 Ill Reg 5425)

"Optometric Practice Act of 1987" (68 Ill Adm Code 1320) proposed 4/12/96 (20 Ill Reg 5430)

DEPARTMENT OF REVENUE

"Motor Fuel Tax" (86 Ill Adm Code 500) proposed 4/5/96 (20 Ill Reg 5311)

"Tobacco Products Tax Act of 1995" (86 Ill Adm Code 660) proposed 4/5/96 (20 Ill Reg 5317)

"Retailers' Occupation Tax" (86 Ill Adm Code 130) proposed 4/12/96 (20 Ill Reg 5470)

ILLINOIS STUDENT ASSISTANCE COMMISSION

"Grant Program for Dependents of Correctional Officers" (23 Ill Adm Code 2731) proposed 3/22/96 (20 Ill Reg 4572)

"Police Officer/Fire Officer Survivor Grant Program" (23 Ill Adm Code 2732) proposed 3/22/96 (20 Ill Reg 4580)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12864 - June 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
JUN 20 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

48.02
16x

The Flinn Report

DOC

Illinois Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

June 14, 1996

Issue 24

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

SEX OFFENDER REGISTRATION

The DEPARTMENT OF STATE POLICE adopted amendments to rules entitled "Sex Offender Registration Act" (20 Ill Adm Code 1280), effective 6/3/96, to add several qualifying offenses and include all sex offenders regardless of the victim's age. Also included is a sex offender notification form, which provides notification to convicted sex offenders regarding their responsibilities under the Act. The form also includes descriptive information necessary to identify the person registering. Additionally, use of the Law Enforcement Agencies Data System (LEADS) for recordkeeping is required. An emergency rulemaking became effective 1/1/96. Changes in this rulemaking since its proposal include specifying that the agency of jurisdiction may establish agreements with other agencies of jurisdiction to facilitate discharging its responsibilities. Small municipalities will be affected by this rulemaking through the impact upon law enforcement agencies.

"Child Sex Offender and Murderer Community Notification Law" (20 Ill Adm Code 1282), effective 6/1/96, to require police departments and sheriff's offices to provide DCFS, licensed child care facilities, and schools within their jurisdictions with the names, addresses, birthdates, and offenses of registered child sex offenders and murderers. Victim notification procedures and rules concerning access to registry information are also included. Changes in this rulemaking since its proposal include the change noted in Part 1280 above, adding a definition of "victim", including murderers, clarifying the notification procedure for non-public schools, and adding birthdate to the information disseminated. Law enforcement departments in small municipalities will be affected by this rulemaking.

Questions/requests for copies of the 2 rulemakings above: James W. Redlich, ISP, 102 Armory Bldg., PO Box 19461, Springfield IL 62794-9461, 217/782-7658.

DMHDD GRANT FUNDS

CHILD SEX OFFENDERS

The DEPARTMENT OF STATE POLICE adopted a new Part entitled

The DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL (cont'd next page)

TELEPHONES

The ILLINOIS COMMERCE COMMISSION proposed amendments to "Telephone Assistance Program" (83 Ill Adm Code 757) to reflect a petition for rule changes proposed by the Universal Telephone Assistance Corporation (UTAC) in November 1995. According to ICC, the amendments allow narrowing of the eligibility pool for the monthly assistance program, reduce reporting requirements and remittance schedules, and would not require a hearing on every supplemental assistance petition. The rulemaking also permits local exchange carriers (LECs) to subtract supplemental assistance from the voluntary contributions remitted to the pooled fund administrator, and authorizes the ICC to apply for matching federal funds for a monthly assistance program. Small businesses affected by this rulemaking include small LECs.

Questions/requests for copies/comments until 7/29/96: Donna M. Caton, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62706, 217/782-7434.

JOB TRAINING

The DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS proposed amendments for "Economic Dislocation and Worker Adjustment Assistance" (56 Ill Adm Code 2625) to delete 2 filing time frames concerning the Job Training Partnership Act

(cont'd page 5)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

DISABILITIES adopted a new section for "Administration" (59 Ill Adm Code 101), effective 6/7/96, to establish the criteria for recovery of grant funds misspent or improperly held by a community agency. Topics covered include criteria for recovery and hearing procedures. Changes in this rulemaking since its proposal include adding that grant funds will be subject to recovery if unapproved transfers occur between programs. Adjustments were also made in time frames pertaining to hearing procedures. Small businesses affected by this rulemaking include private and not-for-profit agencies that provide mental health or developmental disabilities services and receive grant funds from DMHDD.

Questions/requests for copies: Judith Hollenberg, DMHDD, 401 Stratton Bldg., Springfield IL 62765, 217/785-3313, FAX 217/524-8920.

PSYCHOLOGIST LICENSURE

The DEPARTMENT OF PROFESSIONAL REGULATION adopted an amendment to rules entitled "Clinical Psychologist Licensing Act" (68 Ill Adm Code 1400), effective 5/30/96, to add a "senior psychologist" category for persons who have been licensed in clinical psychology for at least 20 consecutive years in the United States or Canada. Application procedures are specified. Changes in this rulemaking since its proposal include changing the reference to "accredited programs" to "accredited schools". Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of a clinical psychologist.

ARCHITECTURE

DPR adopted amendments to "Illinois Architecture Practice Act of 1989" (68 Ill Adm Code 1150), effective 5/30/96, to require that licensure applicants utilize the National Council of Architectural Registration Boards or an equivalent recordkeeping entity to collect, evaluate, and certify all training

data and records. Currently, applicants may keep their own records. The rulemaking also amends professional training requirements, adds limited liability companies to the list of those who issue construction documents with an architect's seal, and adds engineering systems coordination to the design and construction documents category for approved diversified professional training. Changes in this rulemaking since its proposal include adding language under training settings that eliminates the need to use the "office of a registered architect" terminology, changing "value units" to "training units", and changing the chart of training settings to include categories and figures of training with the maximum training units allowed. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those employing licensed architects.

PHYSICIAN LICENSURE

DPR also adopted an amendment to rules entitled "Medical Practice Act of 1987" (68 Ill Adm Code 1285), effective 5/30/96, to specify that any licensee applying for renewal shall be entitled to a hearing prior to receiving any disciplinary action or refusal to renew the license. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those offering the services of physicians or chiropractors.

Questions/requests for copies of the 3 rulemakings above: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0800, FAX 217/782-7645.

HUMAN RIGHTS

The HUMAN RIGHTS COMMISSION adopted amendments to "Procedural Rules" (56 Ill Adm Code 5300), effective 6/1/96. An identical emergency rulemaking appeared in the 1/5/96 issue of the *Illinois Register*. This amendment implements Public Acts 89-348 and 89-370, which made extensive changes to the Human

Rights Act and required amending procedural rules. The amendment relates to simplified alternative hearing procedures, third-party subpoenas, departmental authority to amend a complaint, service of amended complaints, objections to non-party subpoenas, motions for summary decisions, exceptions to a recommended order and decision, and interlocutory appeals. Also, procedure for obtaining discovery is governed by Commission rule rather than by the Code of Civil Procedure. Changes in this rulemaking since its proposal include indicating that the parties "knowingly and voluntarily" waive certain rights when they choose to proceed under the alternative hearing procedure. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those subject to the Human Rights Act.

Questions/requests for copies: Gail M. Bradshaw, HRC, 100 W. Randolph, Ste. 5-100, Chicago IL 60601-3219, 312/814-6269.

COMMUNITY BLOCK GRANTS

The DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS adopted amendments to "State Administration of the Federal Community Development Block Grant Program for Small Cities" (47 Ill Adm Code 110), effective 5/29/96. Five new sections are added concerning application evaluation for competitive planning assistance, architectural barrier removal, public facility construction and design, and housing rehabilitation. A program component designed to help small businesses access low interest fixed-rate financing is repealed, and grantee administrative requirements are amended. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include any that wish to apply for program grants.

Questions/requests for copies: Brenda Lee Yager, DCCA, 620 E. Adams St., 5th Fl., Springfield IL 62701, 217/785-6174, TDD 217/785-6055.

New Regulations

requirements and Board response, supplier's product list amendments, and supplier bankruptcy or change of ownership.

Questions/requests for copies/comments concerning the proposed rulemaking until 7/29/96: Mareile B. Cusack, Chief Counsel, IL. Gaming Bd., 160 N. LaSalle, Ste. 300S, Chicago IL 60601, 312/814-4700, FAX 312/814-4602.

Proposed Regulations

(JTPA) program. The requirement that petitions for redesignation shall be accepted only if filed at least 18 months before the program year begins is deleted. Also, requests that DCCA initiate procedures for a substate grantee designation would no longer have to be submitted in writing 12 months in advance of the relevant biennial cycle. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those seeking to participate in the JTPA program.

Questions/requests for copies/comments until 7/29/96: Boyd Link, DCCA, 620 E. Adams St., 4th Fl., Springfield IL 62701, 217/785-6273.

HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to "Duck, Goose and Coot Hunting" (17 Ill Adm Code 590) to move Bond, Fayette, and Effingham counties to the Southern Zone for all waterfowl hunting rather than just goose hunting; amend hunter reporting requirements; and require some hunters to register in

STATE POLICE

The DEPARTMENT OF STATE POLICE MERIT BOARD adopted an emergency amendment for "Procedures of the Department of State Police Merit Board" (80 Ill Adm Code 150), effective 6/4/96, for a maximum of 150 days. The rulemaking adds polygraph tests and deletes medical examinations from the list of procedures applicable to the State Police selection process. According

to the Board, the medical examination is now being administered by the State Police and polygraph testing is being moved from the State Police to the Board.

Questions/requests for copies: James E. Seiber, DSPMB, 3180 Adloff Lane, Ste. 100, Springfield IL 62703, 217/786-6240.

the federal migratory bird harvest information program (HIP). The rulemaking also removes the Horse-shoe Lake prohibition against goose hunting after the duck season, adds Medewin National Tallgrass Prairie and Sand Ridge State Forest to the site-specific regulations list, removes the Joliet Army Ammunition Plant from the list, and amends some check station procedures. The current section concerning Snow, Blue, and Ross' goose hunting is changed to early and late goose hunting for all species and is extensively amended.

Questions/requests for copies/comments until 7/29/96: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

HORSE RACING

The ILLINOIS RACING BOARD proposed an amendment for "Claiming Races" (11 Ill Adm Code 510) to repeal the prohibition against entering a harness horse in a race for less than 110% of its claiming price during the 30 days following the claim.

Questions/requests for copies/comments until 7/29/96: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-5070.

TAXES

The DEPARTMENT OF REVENUE proposed amending "Retailers' Occupation Tax" (86 Ill Adm Code 130) to add rules for the manufacturer's purchase credit, which applies to purchases of exempt manufacturing machinery and equipment. Topics covered include credit percentages, qualifying purchases, credit earned in service transactions, purchase credit uses, reporting periods, retailer or serviceman acceptance of purchase credits, and lessors' earning and using purchase credits. Any small manufacturing business or small business that sells manufacturing machinery, equipment, or production-related tangible personal property to manufacturers may be affected by this rulemaking.

Questions/requests for copies/comments until 7/29/96: Terry Charlton, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

New Regulations

Questions/requests for copies of the 3 rulemakings above: Gina DiCaro at the IRB address below.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted amendments for "Aid to Families with Dependent Children" (89 Ill Adm Code 112), effective 6/1/96, to specify that the definition of full-time school attendance includes a residential program that provides a regular curriculum of instruction equivalent to programs leading to a high school diploma. The program may include various life skills and vocational training.

DPA also adopted amendments to "Medical Payment" (89 Ill Adm Code 140), effective 5/31/96, to allow a facility's payments to be sent directly to the business address of the corporate or partnership owner without the current requirement that the owner have a minimum of 4 facilities located in Illinois and enrolled with DPA. The rulemaking also changes the name of the Healthy Moms/Health Kids Program to the Maternal and Child Health Program and removes a current provision that curtails nurse midwife payments 6 weeks after delivery. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include long-term care facilities and providers of nurse midwife services.

FOOD STAMPS

The DEPARTMENT OF PUBLIC AID adopted amendments to "Food Stamps" (89 Ill Adm Code 121), effective 6/1/96, to expand the criteria by which a resource can be considered inaccessible to include those resources which, if

sold or otherwise disposed, are unlikely to contribute significantly to the support of the household. Amounts less than \$1,000 (or \$1,500 if there is a person age 60 or older in the household) are not deemed significant. This exclusion does not apply to vehicles, negotiable financial instruments, or stocks and bonds.

HOSPITAL SERVICES

DPA also adopted amendments to "Hospital Services" (89 Ill Adm Code 148), effective 5/31/96, to allow coverage up to 60% with a maximum of \$25,000 for bone marrow searches for those individuals selected as candidates for allogeneic bone marrow transplantation. Departmental notification by the hospital prior to performance of a transplant procedure is required, but the prior requirement for inclusion of the initial work-up and summary of medical finding is eliminated. References to a tertiary care hospital and Medicaid high volume adjustments are also eliminated. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include hospitals certified as organ transplant centers.

Questions/requests for copies of the 4 rulemakings above: Judy Umunna for Parts 112 and 121 and Joanne Jones for Parts 140 and 148, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

NORTH POINT MARINA

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to "Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030), effective 6/3/96, to change the designated "No Boat" area at North Point Marina on Lake Michigan to run the length of the beach rather than 200 yards, as previously specified.

Questions/requests for copies: Jack Price at the DNR address below.

STUDENT LOANS

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted a new Part by emergency rulemaking entitled "Alternative Loan Program" (23 Ill Adm Code 2721), effective 6/1/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemakings establish a new loan program beginning this summer that supplements existing state and federal student assistance programs. Topics covered include definitions, borrower eligibility, institutional eligibility, application procedures, loan disbursement and repayment, and lender fees.

Questions/requests for copies/comments concerning the proposed rulemaking until 7/29/96: Raquel G. Martinez, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500.

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD adopted emergency amendments to "Riverboat Gambling" (86 Ill Adm Code 3000), effective 6/3/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemakings specify that an initial suppliers' license authorizing the sale or lease of gambling equipment and supplies to riverboats shall be for one year, and information required by the Gaming Board prior to license renewal is listed. The requirement that a supplier's license applicant present information to the Board in a public meeting is deleted. Also, new sections are added concerning supplier's license renewal

New Regulations

FOSTER CARE PAYMENTS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to "Relative Home Placement" (89 Ill Adm Code 335), effective 5/29/96, to change the automatic repeal date for this rulemaking from 1/1/96 to 12/31/96. An emergency rulemaking was adopted in the 1/12/96 issue of the *Illinois Register*. DCFS is currently under court order to continue paying foster care rates to approved relative caregivers who are in the process of applying for foster family home licensure. The rulemaking has been changed since its proposal to delete the 9/30/95 or earlier payment termination date, and an agency note is added stating that approved relative caregivers who submitted applications for licensure as foster homes by 7/1/95 must continue to receive the full foster care rate until the Department determines whether their applications are approved or denied.

Questions/requests for copies: Jacqueline Nottingham, DCFS, 406 E. Monroe St., Station 222, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715.

TRAVEL

The LEGISLATIVE TRAVEL CONTROL BOARD repealed "Travel for Legislative Employees" (80 Ill Adm Code 2850), effective 5/29/96, because legislative employees are currently subject to regulations adopted by the Travel Regulation Council and policies promulgated under the State Finance Act.

Questions/requests for copies: Tom Erickson, LTCB, Office of the Auditor General, Iles Park Plaza, 740 E. Ash St., Springfield IL 62703, 217/782-1009, TDD 217/524-4646.

FREEDOM OF INFORMATION

The DEPARTMENT OF REVENUE adopted amendments to "Freedom of Information" (2 Ill Adm Code 1201), effective 7/1/96, to revise the fee

schedule for duplication of public records to reflect current reproduction costs of paper copies and computer information, increase the certification fee from \$3.00 to \$5.00 per record, and update citations and addresses.

Questions/requests for copies: Paul Caselton, DOR, Legal Services Offices, 101 W. Jefferson, Springfield, IL 62794, 217/782-7055.

STATE EMPLOYEES

The STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS adopted amendments to "The Administration and Operation of the State Employees' Retirement System of Illinois" (80 Ill Adm Code 1540), effective 6/15/96, concerning repayment of a refund or retirement annuity paid to a state employee who is later restored to his or her position with all rights and privileges through legal action. New options are added to pay the funds back over time with interest, and the current 2-year minimum service requirement is waived for purposes of determining the period within which the member may commence refund payment.

Questions/requests for copies: Michael L. Mory, SERS, PO Box 19255, 2101 S. Veterans Pkwy., Springfield IL 62794-9255, 217/785-7444.

DRIVERS' LICENSES

The SECRETARY OF STATE adopted amendments to rules entitled "Illinois Safety Responsibility Law" (92 Ill Adm Code 1070), effective 5/30/96, to add a new section pursuant to Public Act 89-92, which provides that a person convicted of a traffic-related offense may have his or her driver's license suspended if the driver is not in compliance with a court order for child support payments. The rulemaking specifies procedures for obtaining a permit that allows such a person to drive on a limited basis and lists actions that would result in permit invalidation or termination.

Questions/requests for copies: Mark A. Novak, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/782-5356.

BUSINESS

SOS also adopted 3 new Parts, effective 5/30/96, entitled "Regulations Under the Business Opportunity Sales Law of 1995" (14 Ill Adm Code 135), "Regulations Under the Illinois Business Brokers Act of 1995" (14 Ill Adm Code 140), and "Regulations Under the Illinois Loan Brokers Act of 1995" (14 Ill Adm Code 145). Identical emergency rulemakings became effective 1/1/96. Topics covered in these rulemakings include definitions, exemptions, registration of business opportunities or brokers, procedures for administrative hearings, records, service of process, violations, evidentiary matters and non-binding statements, public information, and rules of general application. Small businesses affected by these rulemakings include those offering loan or business brokering to the public.

Questions/requests for copies of the 3 rulemakings above: Michael A. Chizmar, SOS, Illinois Securities Dept., 520 S. 2nd., Ste. 200, Springfield IL 62701, 217/785-4930.

HORSE RACING

The ILLINOIS RACING BOARD repealed "Special Purse and Reward Fund" (11 Ill Adm Code 410), effective 6/1/96, to reflect provisions of Public Act 89-16 that abolished this fund.

The BOARD also adopted amendments, effective 6/1/96, to "Charitable Funds" (11 Ill Adm Code 208) and "Procedures for License Hearings" (11 Ill Adm Code 205). Part 208 is amended to correct a typographical error, and Part 205 amendments change the filing deadline for horse racing meet applications from August 31st to August 1st. Also, a provision that allowed considering late applications is deleted.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 6/25/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF REVENUE

"Retailers' Occupation Tax" (86 Ill Adm Code 130) proposed 4/19/96 (20 Ill Reg 5774)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"The Travel Regulation Council" (80 Ill Adm Code 3000) proposed 3/29/96 (20 Ill Reg 4887)

"Standard Procurement" (44 Ill Adm Code 1) proposed 3/29/96 (20 Ill Reg 4878)

DEPARTMENT OF PUBLIC AID

"Medical Payment" (89 Ill Adm Code 140) proposed 3/22/96 (20 Ill Reg 4531)

STATE BOARD OF EDUCATION

"Secular Textbook Loan" (23 Ill Adm Code 350) proposed 3/8/96 (20 Ill Reg 4018)

ILLINOIS COMMERCE COMMISSION

"Rules of Practice" (83 Ill Adm Code 200) proposed 8/4/95 (19 Ill Reg 11236)

DEPARTMENT OF REHABILITATION SERVICES

"Prescreening" (89 Ill Adm Code 681) proposed 2/23/96 (20 Ill Reg 3502)

Repeal of "Illinois Children's School and Rehabilitation Center's Respite Program" (89 Ill Adm Code 787) proposed 4/5/96 (20 Ill Reg 5300)

DEPT OF FINANCIAL INSTITUTIONS

"Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges" (38 Ill Adm Code 130) proposed 4/19/96 (20 Ill Reg 5770)

DEPARTMENT OF PUBLIC HEALTH

"Immunization Code" (77 Ill Adm Code 695) proposed 3/29/96 (20 Ill Reg 4906)

"Child Health Examination Code" (77 Ill Adm Code 665) proposed 3/29/96 (20 Ill Reg 4894)

"Drinking Water Systems Code" (77 Ill Adm Code 900) proposed 3/1/96 (20 Ill Reg 3812)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12919 - JUNE 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
JUN 27 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

98.02
166x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

June 21, 1996

Issue 25

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

NEWS MEDIA

STATE EMPLOYEES

FIRE MARSHAL

The DEPARTMENT OF CORRECTIONS adopted amendments to rules entitled "Public Relations" (20 Ill Adm Code 103), effective 7/1/96, to prohibit face-to-face media interviews with committed persons under death sentences unless personally authorized by the DOC director. Standards for exercise of this discretion are included. Reference to the effect of media coverage on pending Prisoner Review Board reviews is deleted. An additional provision states that the media may have access to committed persons under the same terms, conditions, and restrictions applicable to the general public. When this rulemaking was originally proposed, exceptions to the interview prohibition were not included. Small businesses affected by this rulemaking include newspapers, radio stations and other forms of media.

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted an amendment to "Pay Plan" (80 Ill Adm Code 310), effective 6/11/96. This amendment upgrades the maximum daily rate of the Pay Plan for the Educator classification from \$60 to \$85 at the request of DORS. This rate applies to persons employed on a consultative or part-time basis requiring irregular work hours. Additionally, the rulemaking deletes reference to the position of Technical Advisor IV, which has been abolished. Similar emergency rules were adopted in February.

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments for "Policy and Procedures Manual for Fire Protection Personnel" (41 Ill Adm Code 140) to reflect current federal OSHA standards and new training programs, according to OSFM. Fire officer certification standards are amended, various instructor requirements are changed, and course and exam standards modified. Seven new sections are added concerning confined space/trench rescue awareness, reciprocity, fees, and 4 types of rescue specialist. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that operate fire departments or train fire protection personnel.

Questions/request for copies: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

MOTOR VEHICLE REVIEW BOARD

The OFFICE OF THE SECRETARY OF STATE adopted amendments to "Procedures and Standards" (92 Ill Adm Code 1001), effective 6/12/96. Identical emergency amendments became effective 1/15/96. This

Questions/requests for copies/comments until 8/5/96: John J. Pavlou, OSFM, 1035 Stevenson Dr., Springfield IL 62703-4259, 217/785-1031.

PIPELINE RIGHT-OF-WAY

The COMMERCE COMMISSION proposed amendments to "Guidelines for Right-of-Way Acquisition" (83 Ill Adm Code 300) to add common carriers by pipeline to the provisions of this Part concerning the acquisition of certain land right-of-way easements. Also, an obsolete section that applies to railroad power of eminent domain is repealed.

(cont'd next page)

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

rulemaking establishes the procedures and standards to be followed by the Motor Vehicle Review Board, including the hearing procedures to be followed upon receipt of notices of protest from complaining dealers against manufacturers or distributors. Topics covered include formal administrative hearings, Illinois safety responsibility hearings, and rules on the conduct of informal hearings in driver's license suspensions and revocations. Changes in this rulemaking since its proposal include restricting a seller under the definition of "manufacturer/distributor" to certain wholesalers under a franchise agreement. Small businesses affected by this rulemaking include auto dealers, franchisees, and distributors.

Questions/requests for copies: Jay L. Mesi, Office of the SOS, Department of Administrative Hearings, 200 Howlett Bldg., Springfield IL 62756, 217/785-8237.

CRIMINAL JUSTICE GRANTS

The ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY adopted amendments for rules entitled "Operating Procedures for the Administration of Federal Funds" (20 Ill Adm Code 1520), effective 6/7/96. An identical emergency rulemaking was adopted 2/2/96. The rulemaking adds a new section concerning grant administration under the federal Violence Against Women Act of 1994. Such funds may be distributed to State agencies, local governments, and nonprofit, nongovernmental victim services programs. Topics covered include funding priorities, evaluation criteria, matching funds, program goals, a State implementation plan, interagency agreements, and reports. Small municipalities and not-for-profit corporations affected by this rulemaking include those applying for grant funds.

Questions/requests for copies: Kristi J. Kangas, ICJIA, 120 S. Riverside Plaza, Chicago IL 60606-3997, 312/793-8550.

FINANCIAL INSTITUTIONS

The DEPARTMENT OF FINANCIAL INSTITUTIONS adopted amendments for rules entitled "Uniform Disposition of Unclaimed Property Act" (38 Ill Adm Code 180), effective 6/8/96. The rulemaking requires all holders to remit unclaimed property in U.S. currency.

Questions/requests for copies: M. Rose Kelly, DFI, 100 W. Randolph, Ste. 15-700, Chicago IL 60601, 312/814-2008.

AIDS

The DEPARTMENT OF PUBLIC HEALTH adopted emergency amendments for "AIDS Drug Reimbursement Program" (77 Ill Adm Code 692), effective 6/4/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemakings incorporate the 1996 federal poverty income guidelines and change the income threshold for program participation from 400% of the federal poverty level to 200%. Currently approved clients may remain in the reimbursement program. Effective 7/1/96, participants with incomes over 100% of the federal poverty level will be charged a \$10 per prescription copayment, and the list of drugs covered under the reimbursement program may be decreased. Small businesses affected by this rulemaking include pharmacies.

Questions/requests for copies/comments concerning the proposed rulemaking until 8/5/96: Gail M. DeVito, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187.

DISABLED PERSON I.D.

The SECRETARY OF STATE adopted an emergency amendment for "Issuance of Licenses" (92 Ill Adm Code 1030), effective 6/4/96, for a maximum of 150 days. The rulemaking provides that a person who presents specified written evidence of receiving Depart-

ment of Veterans' Affairs disability benefits shall also be entitled to a Disabled Persons Identification Card without a physician's signature.

Questions/requests for copies: Mark A. Novak, Office of the SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/782-5356.

NUCLEAR SAFETY

The DEPARTMENT OF NUCLEAR SAFETY adopted a new Part by emergency rulemaking entitled "Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises" (32 Ill Adm Code 501), effective 6/4/96, for a maximum of 150 days. In this issue of the *Illinois Register*, DNS is also proposing an identical new Part and the repeal of existing Part 501, which is entitled "Plan for the Compensation of Local Governments Under Provisions of the 'Illinois Nuclear Safety Preparedness Act'". The emergency rulemaking implements block grants to local governments to plan how to deal with the effects of nuclear accidents. Topics covered include definitions, block grant criteria, award levels, grant agreements, audits, recordkeeping, authorized expenses, and necessary activities. Small municipalities affected by these rulemakings include those desiring to apply for block grants under the program.

Questions/requests for copies/comments concerning the proposed rulemakings until 8/5/96: Valerie A. Puccini, DNS, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9880, TDD 217/782-6133.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The Illinois Educational Facilities Authority rulemaking will be considered at the 6/25/96 meeting. The remaining rulemakings will be considered at the 7/23/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

"Functions and Planning Program" (23 Ill Adm Code 2310) proposed 4/12/96
(20 Ill Reg 5415)

SECRETARY OF STATE

"Dealers, Wreckers, Transporters and Rebuilders" (92 Ill Adm Code 1020)
proposed 4/12/96 (20 Ill Reg 5488)

DEPARTMENT OF INSURANCE

"Valuation of Life Insurance Policies (Including the Introduction and Use of New
Select Mortality Factors)" (50 Ill Adm Code 1409) proposed 3/1/96 (20 Ill Reg
3695)

"Health Maintenance Organization" (50 Ill Adm Code 6101) proposed 7/28/95
(19 Ill Reg 10937)

DEPARTMENT OF NATURAL RESOURCES

"White-Tailed Deer Hunting Season by Use of Handguns" (17 Ill Adm Code
680) proposed 4/26/96 (20 Ill Reg 5963)

"Squirrel Hunting" (17 Ill Adm Code 690) proposed 4/26/96 (20 Ill Reg 5956)

"Dove Hunting" (17 Ill Adm Code 730) proposed 4/26/96 (20 Ill Reg 5936)

"Crow, Woodcock, Snipe, Rail and Teal Hunting" (17 Ill Adm Code 740) pro-
posed 4/26/96 (20 Ill Reg 5927)

ENVIRONMENTAL PROTECTION AGENCY

"Procedures and Requirements for Determining Loan Priorities for Municipal
Wastewater Treatment Works" (35 Ill Adm Code 366) proposed 1/5/96 (20 Ill
Reg 81)

ILLINOIS RACING BOARD

"Hi/Low" (11 Ill Adm Code 313) proposed 4/26/96 (20 Ill Reg 6000)

Proposed Regulations

in certain contested cases; allows change of venue upon a showing that age, infirmity, or exceptional circumstances make it desirable; prohibit demand for a Bill of Particulars; define service; and specify requirements concerning document copies, witnesses, audio or video taping, and evidence admissibility. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those licensed as plumbers, water well contractors, mobile home park operators, asbestos workers, pesticide applicators, WIC vendors, and other similarly situated individuals who are licensed by DPH to perform certain occupations or authorized to participate in various state and federal programs.

MEDICAL PRACTICE

 DPH also proposed amendments for "Distribution of Medical Stu-

dent Scholarship Payback Funds" (77 Ill Adm Code 594) and "Family Practice Residency Code" (77 Ill Adm Code 590). Part 594 amendments repeal 4 sections concerning the Community Health Center Care Fund and repeal the requirement that the Illinois Development Finance Authority be responsible for all loan monitoring and collection of loan repayments from the community health centers that have borrowed from the fund. According to DPH, it will continue to fund this program with federal monies, but the program will be administered by the IDFA. Part 590 amendments repeal 4 sample scholarship or loan contracts that are still in use but will no longer be reprinted in this Part. The rulemaking also updates incorporations by reference of American Medical Assoc. publications and adds a list of reasons for DPH approval of exceptions to the full-time practice requirement. Small businesses, small municipalities, and not-for-profit cor-

porations affected by these 2 rulemakings include community health centers and primary care physicians.

Questions/requests for copies/comments concerning the 3 rulemakings above until 8/5/96: Gail M. DeVito at the DPH address above.

RULE CORRECTION

The DEPARTMENT OF PUBLIC HEALTH requested an expedited correction for amendments to "Swimming Pool and Bathing Beach Code" (77 Ill Adm Code 820) that were adopted in the 5/17/96 *Illinois Register*. ILCS and Code citations are corrected in the main source note and the authority note.

Questions/requests for copies: Gail M. DeVito at the DPH address above.

JCAR Newsletter Subscription

The Joint Committee on Administrative Rules is updating its newsletter mailing list for *Illinois Regulation* in order to delete duplicate or obsolete subscriptions. Please indicate below whether you wish to continue receiving the newsletter, and attach your current mailing label. Please make any address or name changes directly on the mailing label. Your prompt response before September 1, 1996, is necessary for continued receipt of *Illinois Regulation*.

----- Continue my subscription

----- Discontinue my subscription

----- Continue my subscription as modified on label

Attach label here

Return form to Joint Committee on
Administrative Rules, 700 Stratton
Office Bldg., Springfield IL 62706

Proposed Regulations

Small businesses affected by this rulemaking include any that are intrastate common carriers by pipeline.

Questions/requests for copies/comments until 8/5/96: Donna M. Caton, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62706, 217/782-7434.

LOTTERY

The DEPARTMENT OF THE LOTTERY proposed amendments for "Lottery (General)" (11 Ill Adm Code 1770) to add a definition of "claim" and a new section concerning priority of rules on file over any contradictory information in an advertisement, on tickets, or at the point of sale. Other topics covered include amending sales agent standards to include criminal history and tax status, license revocation without notice, license termination, and prize claiming procedures. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those holding or applying for a license to sell Illinois lottery tickets.

Questions/requests for copies/comments until 8/5/96: Lisa Crites, Illinois Lottery, 201 E. Madison St., Springfield IL 62702, 217/524-5253.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES proposed amendments to the following 3 Parts: "Non-Academic Programs and Policies" (89 Ill Adm Code 830), "Public Use of DORS Facilities" (89 Ill Adm Code 546), and "Rules of Conduct" (89 Ill Adm Code 827). The 3 rulemakings prohibit use of tobacco products at DORS facilities or on DORS school properties by students, school personnel, or other persons at any time. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those desiring to use DORS facilities.

Questions/requests for copies/comments concerning the 3 rulemakings above until 8/5/96: Susan Warrner, DORS, Regulations and Procedures Division, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

TAXES

The DEPARTMENT OF REVENUE proposed an amendment to "Income Tax" (86 Ill Adm Code 100) to set forth the procedure for making an election to forgo the net operating loss carryback period. Such election shall be made on the taxpayer's return for the taxable year of the net loss and shall be made by the due date (including extensions) for filing the return. Any small business that sustains an Illinois net operating loss may be affected by this rulemaking.

DOR also proposed an amendment for "Gas Revenue Tax" (86 Ill Adm Code 470) to reflect Public Act 89-417. The rulemaking states that, beginning with charges billed on and after 1/1/96, any charge for gas or gas services to a customer who acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before 3/1/95, with public utility exceptions, is not subject to the tax imposed by the Gas Revenue Tax Act. Any small business, small municipality, or not-for-profit corporation subject to the Gas Revenue Tax Act may be affected by this rulemaking. A similar proposed rulemaking published in the 1/12/96 *Illinois Register* is being withdrawn in this week's Register in favor of the new proposal above.

Questions/requests for copies/comments until 8/5/96: Keith Staats for Part 100 and Terry Charlton for Part 470, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

PUBLIC SAFETY TAXES

The DEPARTMENT OF REVENUE also proposed 2 new Parts entitled "Special County Retailers' Occupation Tax for Public Safety" (86 Ill Adm Code 670) and "Special County Service Occupation Tax for Public Safety" (86 Ill Adm Code 680) to implement Public Act 89-107. The rulemakings provide that the county board of any county with a population over 180,000 may impose these 2 taxes to provide revenue to be used exclusively for public safety purposes within the county. The retailer's tax may be levied only if such a proposition has been approved by the county electorate. Topics covered include tax applicability and rates, registration and returns, erroneously paid taxes, jurisdictional questions, penalties, interest, and procedures. Those affected by these 2 rulemakings include counties with a population over 180,000 and retailers or service persons in those counties.

Questions/requests for copies/comments concerning the 2 rulemakings above until 8/5/96: Gina Roccaforte at the DOR address above.

PUBLIC HEALTH HEARINGS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Rules of Practice and Procedure in Administrative Hearings" (77 Ill Adm Code 100) to specify who is the complainant and who is the respondent in different types of DPH hearings, allow a DPH regional health officer to serve as an administrative law judge in certain hearings, clarify applicability of the rules, and modify hearings pursuant to the Nursing Home Care Act to reflect a consent decree in *Protection and Advocacy v. Lumpkin*. The rulemaking also eliminates the requirement for answers to pleadings

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 12963 - JUNE 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY
JUL 11 1996
UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

26x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

June 28, 1996

Issue 26

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

MEDICAL INSURANCE

Springfield IL 62767-0001, 217/524-4051.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES adopted amendments to "Appeals and Hearings" (89 Ill Adm Code 510), effective 6/17/96, to clarify when decisions rendered in Level I and II hearings concerning grievances become final. A different time frame is specified for a grievance pertaining to the conduct of a DORS client at the adult residential training program for persons with visual disabilities.

Questions/requests for copies: Susan Warner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

AUTO EMISSIONS TESTS

The ENVIRONMENTAL PROTECTION AGENCY adopted amendments for "Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions" (35 Ill Adm Code 276), effective 6/14/96, to reflect recent statutory changes at the State

(cont'd next page)

Proposed Regulations

SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to "Public Schools Evaluation, Recognition and Supervision" (23 Ill Adm Code 1) to respond to recent statutory changes and reflect current practices. "Persons providing a related service for or with respect to a student as determined by the board of education" are added to those who are directed to maintain discipline in the schools. Such persons do not have to be certified employees. Half-day attendance is defined for general state aid purposes, and school boards are allowed to excuse pupils in grades 9 through 12 from physical education course requirements if they are in marching band or ROTC. Different current exceptions apply only to 11th and 12th grade students. Also, substitute teacher requirements are amended to allow a teacher holding an early childhood, elementary, high school, or special certificate to substitute teach in grades K-12.

Questions/requests for copies/comments until 8/12/96: Sally Vogl, ISBE, 100 N. 1st., S-284, Springfield IL 62777-0001, 217/782-0541.

AFDC

The DEPARTMENT OF PUBLIC AID proposed amendments for "Aid to Families with Dependent Children" (89 Ill Adm Code 112) to disregard, either as income or assets, any payments

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

SS: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

level and also new federal guidelines, according to EPA. The exhaust emissions test is extensively amended, an evaporative system integrity test is added to check the fuel cap, and the tamper check procedure is replaced by testing procedures applicable to vehicles that have been altered from their original certified configuration. Also, certificates are added to various emission sticker provisions, and waiver standards are changed to reflect the evaporative system integrity test requirement and reflect the unavailability of certain obsolete emission control devices. Fleet self-testing requirements are amended concerning the fuel cap test, and EPA states that it may require emissions inspectors to be recertified and fleet inspection stations repemitted if emissions inspection standards are substantially amended. A new subpart is added to specify reciprocity with other jurisdictions, and grievance procedures are amended, also. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking

include those operating vehicles that must be tested, including fleet self-testers.

Questions/requests for copies: Christopher P. Demeroukas, EPA, Bureau of Air, PO Box 19276, Springfield IL 62794-9276, 217/524-3333.

TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION adopted two new Parts entitled "Arbitration Practice" (83 Ill Adm Code 761) and "Approval of Negotiated Agreements" (83 Ill Adm Code 763) by emergency rulemaking, effective 6/18/96, for a maximum of 150 days. These rulemakings establish rules of procedure designed to implement the federal Telecommunications Act of 1996, which requires the ICC to arbitrate issues in dispute between telecommunications carriers and to approve or reject interconnection agreements negotiated between carriers. Topics covered in both Parts include general provisions and form,

filing and service of documents. Part 761 also covers pre-arbitration procedure and discovery and post-hearing procedure. Part 763 also covers scheduling and discovery procedures, information gathering procedure, and the procedure that follows. Identical proposed rulemakings appear in this issue of the *Illinois Register*. Related rulemakings entitled "Approval or Rejection of Arbitrated Agreements" (83 Ill Adm Code 762) and "Approval of Statements of Generally Available Terms" (83 Ill Adm Code 764) are also proposed elsewhere in this issue. Small businesses affected by these rulemakings include telecommunications carriers that are seeking arbitration or approval of a negotiated agreement under Section 252 of the federal Act.

Questions/requests for copies/comments concerning the 2 proposed rulemakings until 8/12/96: Donna M. Caton, ICC, 527 E. Capitol Ave., Springfield IL 62706, 217/782-7434.

Proposed Regulations

made to individuals because of their status as victims of Nazi persecution.

Questions/requests for copies/comments until 8/12/96: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

VETERINARIANS

The ILLINOIS RACING BOARD proposed amendments to "Licensing" (11 Ill Adm Code 501) and "Officials of Meeting" (11 Ill Adm Code 1403). Part 502 lists the circumstances under which a veterinary assistant will be allowed to practice equine dentistry. Part 1403 repeals the requirement that a person practicing dentistry or working on the teeth or gums of a horse on an Illinois race track shall be a licensed veterinarian. Small businesses affected by this rulemaking

include veterinarians, veterinary assistants, horse owners, breeders, and trainers.

Questions/requests for copies/comments concerning the 2 rulemakings above until 8/12/96: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-5070.

TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION proposed two new Parts entitled "Approval or Rejection of Arbitrated Agreements" (83 Ill Adm Code 762) and "Approval of Statements of Generally Available Terms" (83 Ill Adm Code 764) to implement Section 252 of the federal Telecommunications Act of 1996. Part 762 governs practice and procedure before the Commission in the approval or rejection of arbitrated agreements

between carriers. Topics covered include general provisions; form, filing and service of documents; pre-decisional procedure; decisional procedure and post-comment procedure. Part 764 is applicable only to Bell operating companies and governs practice and procedure before the ICC in the approval of statements of generally available terms required by Section 252 of the Act. Topics covered include general provisions; form, filing and service of documents; scheduling and discovery procedures; information gathering procedure and the procedure that follows. Related rulemakings entitled "Arbitration Practice" (83 Ill Adm Code 761) and "Approval of Negotiated Agreements" (83 Ill Adm Code 763) were adopted elsewhere in this issue by emergency rulemaking, effective 6/18/96, for a maximum of 150 days. Small businesses affected by these rulemakings include telecom-

Proposed Regulations

munication carriers that intervene in a proceeding in which a Bell operating company is seeking approval of a statement of generally available terms,	as well as telecommunications carriers that seek arbitration under Section 252 of the Telecommunications Act of 1996.	Questions/requests for copies/comments concerning the 2 rulemakings above until 8/12/96: Donna M. Caton at the ICC address above.
---	---	---

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 7/23/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF PUBLIC AID

"Refugee/Entrant/Repatriate Program" (89 III Adm Code 115) proposed 4/12/96 (20 III Reg 5466)

COMMISSIONER OF BANKS AND TRUST COMPANIES

Repeal of "Electronic Fund Transfers" (38 III Adm Code 310) proposed 3/29/96 (20 III Reg 4850)

"Electronic Fund Transfers" (38 III Adm Code 315) proposed 3/29/96 (20 III Reg 4871)

"Corporate Fiduciary Subsidiaries" (38 III Adm Code 396) proposed 2/16/96 (20 III Reg 2638)

JCAR Newsletter Subscription

The Joint Committee on Administrative Rules is updating its newsletter mailing list for *Illinois Regulation* in order to delete duplicate or obsolete subscriptions. Please indicate below whether you wish to continue receiving the newsletter, and attach your current mailing label. Please make any address or name changes directly on the mailing label. Your prompt response before September 1, 1996, is necessary for continued receipt of *Illinois Regulation*.

- Continue my subscription

-----Discontinue my subscription

-----Continue my subscription as modified on label
- Attach label here

Return form to Joint Committee on Administrative Rules,
100 Stratton Office Bldg., Springfield, Illinois 62706

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O. Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

Vicki Thomas
Executive Director

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13064 - JUNE 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

26x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

July 5, 1996

Issue 27

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments for "Pay Plan" (80 Ill Adm Code 310), effective 6/20/96, to add salary ranges for Fiscal Year 1997 and add a step to keep entry-level salaries frozen at the previous level. The category of Public Service Administrator is changed to Broad-Band Pay Range and categories labeled "human resources representative" and "human resources specialist" are added with salary range maximums of \$3,436/mo. and \$4,087/month. According to DCMS, these 2 new broad classes will replace 14 current personnel and labor relations titles. Also, under part-time daily or hourly special services rate, the maximum for a physician specialist is increased from \$85/hr. to \$115/hour. Changes in this rulemaking since its proposal include correcting the monthly salary under step 1a of Salary Grade 6 to \$2,400 (previously \$2,440) and updating text to reflect amendments adopted in recent months.

Questions/requests for copies: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

CHARTER SCHOOLS

The STATE BOARD OF EDUCATION adopted a new section to "Charter Schools" (23 Ill Adm Code 650) by emergency rulemaking, effective 6/25/96, for a maximum of 150 days. The rulemaking provides that an applicant may appeal to the State Board of Education a local school board report that denies, revokes, or refuses to renew an application only if the local school board does not comply with certain notice and hearing requirements of the School Code or if the local school board made errors in applying legal requirements of the School Code or both. The appeal must be postmarked no later than 14 calendar days following the report's submission to ISBE.

Questions/requests for copies: Sally Vogl at the ISBE address in the next column.

Proposed Regulations

SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments for "Student Records" (23 Ill Adm Code 375) to specify that student records or information concerning a student covered by an order of protection shall not be released to the person against whom the order of protection was issued. The rulemaking also states that parents shall not challenge records of expulsions or out-of-school suspensions at the time a student's records are being forwarded to another school because the student has transferred. Concerning other challenges, the rulemaking clarifies that a regional superintendent's final decision may be appealed to the circuit court of the county in which the school is located.

The STATE BOARD also proposed amendments for "Regional Offices of Education and Intermediate Services" (23 Ill Adm Code 525) to change regional offices of education from oversight boards to advisory boards to reflect recent statutory changes. Obsolete references to Chicago sub-district superintendents are also stricken.

Questions/requests for copies/comments until 8/19/96: Sally Vogl, ISBE, 100 N. First St., 5-284, Springfield IL 62777-0001, 217/782-0541.

NEW REGULATIONS: Rules adopted by agencies this week.
PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.
SP: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

(cont'd next page)

Proposed Regulations

MENTAL HEALTH CENTERS

The DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES proposed amendments to "Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers" (59 Ill Adm Code 258) to specify that the decision of public or private agencies, corporations, or organizations to apply to be a participating mental health center (PMHC) is voluntary and that DMHDD will so notify each applicant. The rulemaking also provides that in community service areas not served by a PMHC, the Department will designate an agency or agencies to provide screening through a continuity of care agreement. This arrangement would not make the local agency a PMHC, nor would the local agency be bound by Part 258 rules. Small businesses, small municipalities, and not-for-profit corporations affected by the rulemaking include providers of community-based mental health services and hospitals.

Questions/requests for copies/comments until 8/19/96: Judith Hollenberg, DMHDD, 401 Stratton Bldg., Springfield IL 62765, 217/785-3313, FAX 217/524-8920.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID proposed amendments for "Practice in

Administrative Hearings" (89 Ill Adm Code 104) to specify that DPA may stop payments to a hospital for Medicaid services rendered to eligible persons after the date of DPA's notice initiating an administrative proceeding. If DPA's notice is a result of Medicare action, the Department will continue to make payments for services rendered to eligible persons up to the date that the vendor's participation is terminated. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include hospitals.

Questions/requests for copies/comments until 8/19/96: Joanne Jones, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

TAXES

The DEPARTMENT OF REVENUE proposed amendments for 4 Parts entitled "Retailers' Occupation Tax" (86 Ill Adm Code 130), "Service Occupation Tax" (86 Ill Adm Code 140), "Use Tax" (86 Ill Adm Code 150), and "Service Use Tax" (86 Ill Adm Code 160) to implement Public Act 89-115. The statute exempts tangible personal property purchased for lease to a governmental entity for a lease period of one year or longer from the above taxes. A similar exemption is added for computers and certain equipment purchased for lease to an

exempt hospital. Small businesses that lease tangible personal property to government entities and certain other types of equipment to not-for-profit hospitals will be affected by these rulemakings. Also, small municipalities and not-for-profit hospitals leasing such equipment will be affected.

Questions/requests for copies/comments concerning the 4 rulemakings above until 8/19/96: Terry D. Charlton DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

PUBLIC HEARING

The CARNIVAL-AMUSEMENT SAFETY BOARD announces a public hearing concerning whether go-karts used in street racing events (commonly advertised as "go-kart Charity Grand Prix's") that are not sanctioned by a nationally recognized association are subject to regulation under rules entitled "Carnival and Amusement Rides Safety Act" (56 Ill Adm Code 6000). The hearing is scheduled for 1 p.m., 8/12/96, at the Illinois Department of Labor Office, 160 N. LaSalle St., Ste. C-1300, Chicago IL 60601-3150.

Questions/requests for copies: Scott D. Miller at the IDOL address above 312/793-1805. The Board states that it will also accept written comments until 9/16/96.

JCAR Meeting Action

At its June 25, 1996 meeting, the Joint Committee on Administrative Rules voted the following Objection and Recommendation:

DEPARTMENT OF REVENUE

JCAR objects to "General Rules for All Taxes" (86 Ill Adm Code 800) because the Department is unduly limiting the statutory right granted to taxpayers to "transmit, by facsimile, any return or document required to be filed by the Department under any Act administered by the Department" by establishing in rule that the Department will accept faxed returns only when requested by the Department. If the Department believes the public's right to fax documents should be limited, it

should seek a statutory amendment to narrow the existing broad authority to fax.

OFFICE OF THE COMPTROLLER

Concerning rules entitled "Illinois Funeral or Burial Funds Act" (38 Ill Adm Code 610), the Committee recommends that the Comptroller continue to consult with affected trade groups to resolve, through further statutory or rule modification, issues not completely addressed by this rulemaking, such as: application of the

rule to the 3 distinct industries affected; preparation and promulgation of a "Pre-Need Contract Booklet" as required by Section 1(a)-1(e) of the Illinois Funeral or Burial Funds Act; licensee reporting requirement when funds retained exceed the cost of the funeral and related merchandise by more than 25%; and further clarification regarding irrevocability of a pre-need contract and assignability of a policy or annuity for the purpose of complying with federal rules.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 7/23/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

OFFICE OF BANKS AND REAL ESTATE

"Hearings for Removal of Directors, Officers, Employees or Agents of a State Bank" (38 Ill Adm Code 900) proposed 4/5/96 (20 Ill Reg 5326)

SECRETARY OF STATE

"Certificates of Title, Registration of Vehicles" (92 Ill Adm Code 1010) proposed 5/10/96 (20 Ill Reg 6372)

DEPARTMENT OF PUBLIC AID

"Food Stamps" (89 Ill Adm Code 121) proposed 4/12/96 (20 Ill Reg 5440)

"Developmental Disabilities Services" (89 Ill Adm Code 144) proposed 4/12/96 (20 Ill Reg 5434)

"Food Stamps" (89 Ill Adm Code 121) proposed 4/26/96 (20 Ill Reg 5986)

"Medical Payment" (89 Ill Adm Code 140) proposed 4/12/96 (20 Ill Reg 5448)

DEPARTMENT OF NATURAL RESOURCES

"The Taking of Wild Turkeys - Fall Gun Season" (17 Ill Adm Code 715) proposed 5/3/96 (20 Ill Reg 6093)

"The Taking of Wild Turkeys - Fall Archery Season" (17 Ill Adm Code 720) proposed 5/3/96 (20 Ill Reg 6086)

"Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting" (17 Ill Adm Code 550) proposed 5/3/96 (20 Ill Reg 6079)

"Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations" (62 Ill Adm Code 1800) proposed 3/15/96 (20 Ill Reg 4224)

STATE BOARD OF EDUCATION

"Special Education" (23 Ill Adm Code 226) proposed 5/3/96 (20 Ill Reg 6101)

POLLUTION CONTROL BOARD

"Solid Waste Disposal: General Provisions" (35 Ill Adm Code 810) proposed 10/20/95 (19 Ill Reg 14516)

"Alternative Standards for New Utility Waste Landfills" (35 Ill Adm Code 816) proposed 10/13/95 (19 Ill Reg 14260)

"Solid Waste" (35 Ill Adm Code 807) proposed 10/13/95 (19 Ill Reg 14280)

"Standards for New Solid Waste Landfills" (35 Ill Adm Code 811) proposed 10/13/95 (19 Ill Reg 14286)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13117 - JULY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY

JUL 17 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

78.02
-66x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

July 12, 1996

Issue 28

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

JUL 29 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

NURSING HOME PRESCREENING

The DEPARTMENT ON AGING adopted amendments to "Community Care Program" (89 Ill Adm Code 240), effective 7/1/96, to implement Public Act 89-21. The rulemaking requires all nursing facility applicants 60 years of age or older, regardless of their method of payment for services, to be prescreened and given a Determination of Need (DON) score by case coordination units through the Community Care Program before admission to a nursing home. Postscreening is required if an individual is admitted to a nursing home without prescreening. According to DoA, those who score below a certain DON score at the time of admission or later would be ineligible for Medicaid-paid nursing home services under coordinated rules of DoA, DPA, DMHDD, and DORS. Changes in this rulemaking since its proposal include adding "nursing facility conversion screening" to plan in-home and community-based services for nursing facility residents referred by DPA for deinstitutionalization, adding prescreening exemptions, and requiring screening of individuals whose length of stay in a hospital's nursing facility or postsurgical recovery facility exceeds 21 days. Small businesses,

small municipalities, and not-for-profit corporations affected by this rulemaking include case coordination units that contract with DoA to conduct screening, nursing homes, hospitals' nursing facilities such as subacute care hospitals and postsurgical recovery care centers, in-home service providers, community-based service providers, and local government health departments that serve as case coordination units.

Questions/requests for copies: Pamela W. Balmer, DoA, Attn. Nursing Home Prescreening, 421 E. Capitol Ave., #100, Springfield IL 62701-1789, 217/782-4842.

NURSING HOMES

The DEPARTMENT OF PUBLIC AID adopted amendments for "Medical Payment" (89 Ill Adm Code 140) and "Developmental Disabilities Service" (89 Ill Adm Code 144), effective 6/28/96. Part 140 amendments require universal screening for all persons seeking nursing home admission regardless of their financial status. Topics covered include the Level I ID Screen, exceptional circumstances in which mentally retarded or mentally ill

(cont'd next page)

CHARTER SCHOOLS

The STATE BOARD OF EDUCATION proposed a new Part entitled "Charter Schools" (23 Ill Adm Code 650) to replace emergency rules adopted in April and June to implement Public Act 89-450. Topics covered include definitions; purpose; procedures for submission of charter school applications to the Board; application review and certification; charter revision and renewal; and an applicant's appeal to ISBE under specified conditions when a local school board denies, revokes, or refuses to renew an application. Not-for-profit corporations affected by this rulemaking include those applying to operate charter schools.

Questions/requests for copies/comments until 8/26/96: Sally Vogl, ISBE, 100 N. 1st St., S-284, Springfield IL 62777, 217/782-0541.


PROFESSIONAL REGULATION

The DEPARTMENT OF PROFESSIONAL REGULATION proposed amendments for rules entitled "The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985" (68 Ill Adm Code 1175) to reflect last year's revision of the Act. Cosmetologists, barbers, estheticians, nail technicians, and their teachers are required to be licensed rather than registered. Cosmetology, esthetic, and nail technology salons and barber shops are required to register with DPR in order to operate

(cont'd page 5)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

 : Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

persons may be determined to need nursing facility services, Medicaid payment denial if screening does not support the need for nursing facility services, payment dates, utilization reviews, and annual resident status review for developmental disability or mental illness. Provisions concerning Level II assessment for mental retardation or a related condition are stricken from Part 140 and added to Part 144 in a new section called ICF/MR Service Criteria. Part 144 amendments also reference an add-on of \$.10 per day for emergency dental services and add a \$.30 per resident day payment for the costs of prophylaxis treatment and periodontal services for adult residents of small nursing homes (ICF/MR) with 4 or 6 beds for the developmentally disabled. Changes in Part 140 since its proposal include more precisely defining "nursing facility", providing that applicants already residing in the facilities before FY 1997 will be reviewed and evaluated based on their most recent assessment rather than requiring a new assessment, and adding screening assessment exemptions consistent with DoA and DORS rules. One such exemption allows residents who entered a nursing facility before 7/1/96 to seek Medicaid eligibility based on a physician's certification rather than the screening assessment. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include nursing facilities and Medicaid-funded long-term care facilities for persons with developmental disabilities.

Questions/requests for copies of the 2 rulemakings above: Joanne Jones, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "Pay Plan" (80 Ill Adm Code 310), effective 6/26/96, to reflect salary increases negotiated for Teamsters' Local NR-916 employees in the Department of Natural Resources.

Those affected are cartographers, civil engineers and trainees, engineering technicians, and technical managers.

Questions/requests for copies: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

DCMS adopted amendments to "Standard Procurement" (44 Ill Adm Code 1), effective 7/1/96, to authorize State agencies to procure goods and services from qualified vendors with an approved supported employment workforce (SEV) without having to seek competitive bids. Agencies also would be allowed to award a contract to a SEV in a competitive procurement process even if the SEV is not the low bidder when certain specified requirements are met. Small businesses and not-for-profit corporations affected by this rulemaking include qualified SEV vendors who desire State contracts for goods or services.

DCMS also adopted an amendment to rules entitled "The Travel Regulation Council" (80 Ill Adm Code 3000), effective 7/1/96, to allow individual travel boards to set reimbursement rates for use of privately owned aircraft while on State business, not to exceed the federal government rate. Small businesses, not-for-profit corporations, and small municipalities affected by this rulemaking include those that provide transportation to State employees for State business.

Questions/requests for copies of the 2 rulemakings above: Stephen W. Seiple, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/782-9669, TDD 217/785-3979.

DCFS PLACEMENTS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to "Client Service Planning" (89 Ill Adm Code 305), effective 7/5/96, to require additional information in service plans that explains why siblings are placed apart, if that is deemed necessary, and what efforts are being made to find a joint

placement for them. Also, a section concerning family visits and contacts with a child who is in DCFS placement is repealed because DCFS added this topic to Part 301.

The DEPARTMENT also adopted amendments for "Placement and Visitation Services" (89 Ill Adm Code 301), effective 7/1/96, to add indecent solicitation of an adult, solicitation of a sexual act, and predatory criminal sexual assault of a child to the list of criminal convictions that bar placement of children with relative. Identical emergency rules became effective in February.

Questions/requests for copies of the 2 rulemakings above: Jacqueline Nottingham, DCFS, 406 E. Monroe, Station #222, Springfield IL 62701-1498, 217/524-1983, TYY 217/524-3715.

ELECTRIC UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted a new Part entitled "Effect of Adoption of Electric Least-Cost Plans" (83 Ill Adm Code 441), effective 7/15/96, to provide that in proceedings other than the one in which a least-cost plan is adopted, a Commission order approving the plan shall constitute prima facie evidence of the prudence of the decisions made and actions taken by the utility through the date of plan approval and subsequent actions and decisions to implement the plan.

Questions/requests for copies: Conrad Rubinkowski, ICC, 527 E. Capitol Ave., Springfield IL 62794-9280, 217/785-8439.

TAXES

The DEPARTMENT OF REVENUE adopted amendments for "Payment of Taxes by Electronic Funds Transfer" (86 Ill Adm Code 750), effective 7/2/96, to add PST-1 and PST-3 return payments to those that must be made through electronic funds transfer by taxpayers over certain specified statu-

New Regulations

tory thresholds. The rulemaking also clarifies that a service group or agent may not sign an authorization agreement for electronic funds transfer on behalf of a taxpayer. Any small business required to make tax payments by electronic funds transfer may be affected by this rulemaking.

The DEPARTMENT also adopted amendments to "Retailers' Occupation Tax" (86 Ill Adm Code 130), effective 7/2/96, to add modifications to a motor vehicle that make it usable by a disabled person to the list of items that qualify for the low tax rate applicable to certain medical appliances and supplies. It also clarifies that diapers and undergarments for incontinent adults are included. Additionally, the rulemaking changes the definition of "food for human consumption that is to be consumed off the premises where it is sold" (thus, coming under the 1% tax rate) to include all food sold through a vending machine regardless of the vending machine's location. Exceptions are made for vending machine soft drinks and food products that are dispensed hot from the machine. A new section is also added concerning retail sales of building materials that are incorporated into high impact businesses (HIB) as designated by DCCA under the Illinois Enterprise Zone Act. Effective 1/1/95, such sales are exempt from retailers' occupation tax. Effective 6/30/95, such sales are also exempt from local taxes. Recordkeeping requirements and building material examples are explained. The rulemaking also allows a new vehicle retailer to file a claim for credit when a new vehicle sold by that retailer has been returned to the manufacturer and the manufacturer has refunded all or part of the customer's purchase price. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include motor vehicle retailers, building material retailers, HIBs, small vending machine businesses, businesses that sell medical appliances and supplies, and local governments precluded from collecting the specified exempt tax revenues.

Questions/requests for copies of the 2 rulemakings above: Keith Staats, (217/782-7055) for Part 750 and Terry Charlton (217/782-6996) for Part 130 at the DOR address below.

POLICE TRAINING

The ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD adopted a new Part entitled "Part-Time Basic Training" (20 Ill Adm Code 1770), effective 7/1/96, to require part-time police basic training throughout the State using the mobile team training system established by the Board. The rulemaking requires every recruit to successfully complete the training course in order to be a certified part-time police officer. Topics covered include definitions, training standards, curriculum requirements, facility certification, minimum recruit requirements, exams, wellness standards, instructor qualifications, work stations, and training through use of mobile teams. Changes in this rulemaking since its proposal include significantly amending the definitions of "full-time police officer" and "part-time police officer", thereby changing applicability of the training provisions. Also, the definition of "seasonal part-time police officer" is deleted and direct supervision of probationary part-time officers loosened. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those involved in the training or employment of part-time police officers.

Questions/requests for copies: Kevin T. McClain, ILETSB, 600 S. 2nd Street, Ste. 300, Springfield IL 62704-2542, 217/782-4540.

OPTOMETRISTS

The DEPARTMENT OF PROFESSIONAL REGULATION adopted amendments, effective 7/1/96, to rules entitled "Controlled Substances Act" (77 Ill Adm Code 3100) and "Optometric Practice Act of 1987" (68 Ill Adm Code 1320). Part 3100 adds therapeutically certified optometrists to the definition

of "individual practitioner", thus bringing them under the controlled substances licensure regulations. Part 1320 requires such optometrists to have a controlled substance license in accordance with Part 3100 rules in order to prescribe certain non-narcotic controlled substance oral analgesic therapeutic ocular pharmaceutical agents. Small businesses, small municipalities, and not-for-profit corporations affected by these 2 rulemakings include those providing the services of optometrists.

Questions/requests for copies of the 2 rulemakings above: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, FAX 217/782-7645.

STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted amendments, effective 7/1/96, to the following 15 Parts: "College Savings Bond Bonus Incentive Grant (BIG) Program" (23 Ill Adm Code 2771), "David A. DeBolt Teacher Shortage Scholarship Program" (23 Ill Adm Code 2764), "Federal Family Education Loan Program (FFELP)" (23 Ill Adm Code 2720), "General Provisions" (23 Ill Adm Code 2700), "Illinois National Guard Grant Program" (23 Ill Adm Code 2730), "Illinois Special Education Teacher Tuition Waiver Program" (23 Ill Adm Code 2765), "Illinois Veteran Grant (IVG) Program" (23 Ill Adm Code 2733), "Limitation, Suspension and Termination Proceedings" (23 Ill Adm Code 2790), "Merit Recognition Scholarship (MRS) Program" (23 Ill Adm Code 2761), "Minority Teachers of Illinois (MTI) Scholarship Program" (23 Ill Adm Code 2763), "Monetary Award Program (MAP)" (23 Ill Adm Code 2735), "Paul Douglas Teacher Scholarship Program" (23 Ill Adm Code 2762), "Robert C. Byrd Honors Scholarship Program" (23 Ill Adm Code 2755), "State Scholar Program" (23 Ill Adm Code 2760), and "Student to Student (STS) Program of Matching Grants" (23 Ill Adm Code 2770). Many of the

New Regulations

Parts are amended to adjust time frames and requirements for document submittal, require completion of annual questionnaires for compliance purposes, clarify definitions, and reflect the recent dissolution of the Board of Governors and the Board of Regents. Additionally, Part 2770 prohibits an institution from carrying forward more than 10% of student-to-student matching funds and requires that matching funds be requested in the same year in which the student contribution is obtained. The rulemaking has been changed since 1st Notice to require schools to expend matching funds by the end of the academic year following the year in which the funds are requested. Part 2771 adjusts 1989-91 bond sale dates in the table of grant amounts, and Part 2764 clarifies qualified applicant criteria to include students "intending to seek" initial certification in a teacher shortage discipline so that community college students are covered.

Part 2760 updates Illinois Standard Test Score computation and outlines eligibility requirements for private high schools that wish to nominate students as State Scholars. Parts 2755 and 2762 specify that out-of-state institutions need not execute an ISAC program participation agreement to receive Byrd Scholar or Paul Douglas Scholar funds, and Part 2755 clarifies grade point and class rank calculation procedures. Parts 2762 and 2763 also clarify that financial assistance under the Special Education Teacher Tuition Waiver Program disqualifies one for a Paul Douglas or Minority Teachers scholarship. Part 2735 specifies that courses in clock hour programs are ineligible for MAP program payments, and Part 2761 requires institutions or scholars to refund full scholarship amounts to ISAC in certain circumstances. Part 2790 adds certain negative administrative actions taken by a nationally-recognized accreditation association to the list of actions that disqualify an institution from ISAC program participation. Part 2733 clarifies veterans' service documenta-

tion and amends the claim deadline. Part 2730 adds placement exam fees and other similar fees to the payments for which a scholarship recipient is responsible.

Part 2765 adds pursuit of teaching careers at private and parochial schools to careers at public schools under the program's purpose, specifies that a program participant must be an Illinois high school graduate, and states that nonmilitary leaves of absence count in computing the 6 years allowed for program completion. Part 2720 changes the criteria for designation as an approved lender and replaces a list of required educational lender activities with a reference to federal regulations. Other amendments concern electronic data transmittal, loan sales, co-payable loan checks, preclaim assistance, and ISAC service of eligible loans from IDAPP-eligible lenders. IDAPP is the Illinois Designated Account Purchase Program. Part 2700 changes the criteria for institutional participants in ISAC gift assistance programs, broadens "dependent student" to include tuition waiver recipients, amends various reporting requirements, excludes certain loan defaulters from ISAC assistance eligibility, and clarifies borrower reinstatement procedures. Amendments also concern incarcerated student eligibility, institutional refunds to ISAC, Illinois residency verification, and appeal of hearing officer decisions. The proposed change of the deadline date for submission of Gift Assistance Program budget information from June 1st to May 1st was withdrawn.

Questions/requests for copies of the 15 rulemakings above: Raquel G. Martinez, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500.

CHILDREN AND FAMILY SERVICES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted an emergency amendment for "Rate Setting" (89 Ill Adm Code 356), effective 7/1/96, for a maximum of 150 days, to

provide a 3% cost of living adjustment for service providers contracting with DCFS during Fiscal Year 1997. This adjustment is in lieu of existing rate-setting methodology and is based upon the payment rate being received on 6/30/96. A similar proposed rulemaking appears in this issue of the *Illinois Register*. Small businesses, small municipalities, and not-for-profit corporations affected by these 2 rulemakings include owners or operators of child care institutions, group homes, maternity centers, and shelter programs.

Questions/requests for copies/comments concerning the proposed rulemaking until 8/26/96: Jacqueline Nottingham at the DCFS address above.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted emergency amendments for "Hospital Reimbursement Changes" (89 Ill Adm Code 152) and "Long Term Care Reimbursement Changes" (89 Ill Adm Code 153), effective 7/1/96, for a maximum of 150 days. Identical proposed rulemakings appear in this issue of the *Illinois Register*. Part 152 amendments retain 7/1/95 hospital reimbursement levels for use throughout Fiscal Year 1997. Also, various provisions are added to the rate appeal process to lighten the financial burden on hospitals serving a large number of Medicaid clients. Part 153 amendments specify the reimbursement levels that pertain to various services throughout Fiscal Year 1997 or the first or second half of the year. Long-term care facilities located in areas with changed "geographical designations" (formerly called Health Service Areas) related to "unique labor force factors" will have rates recalculated accordingly.

DPA adopted emergency amendments to "Medical Payment" (89 Ill Adm Code 140), effective 7/1/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The annual hospital provider assessment is decreased by

New Regulations

1/4 for FY 1997, and the amendments clarify that Illinois Department of Veterans' Affairs nursing homes remain exempt from specified license fee provisions. Also, any reference to a Health Service Area is changed to "geographic area" to conform to proposed amendments in Part 153 above.

The DEPARTMENT also adopted emergency amendments to "Hospital Services" (89 Ill Adm Code 148), effective 7/1/96, for a maximum of 150 days. Identical proposed amendments appear in this issue of the *Illinois Register*. The rulemaking deletes a reference to applicable "outlier adjustments" and "inpatient payment adjustments" and adds Medicaid High Volume adjustments for transplant service reimbursements. The Department states that outlier adjustments do not apply to organ transplant procedures. Concerning county-owned hospitals in counties of over 3 million population,

amendments continue current payment methodology adjustments that were due to be terminated on 6/30/96. Also, a new section is added to provide funds for inpatient Medicaid services provided in FY 1996 through a new reimbursement methodology during FY 1997. Funds would be disbursed from a Medical Research and Development Fund and a Post-Tertiary Clinical Services Fund to specified types of hospitals. Also, 15 "qualified" programs are listed. Small businesses, small municipalities, and not-for-profit corporations affected by the rulemakings for these 4 Parts include those that own or operate hospitals, long-term care facilities, or developmental training agencies.

Questions/requests for copies/comments concerning the 4 proposed rulemakings above until 8/26/96: Joanne Jones at the DPA address above.

DRUNK DRIVING

The SECRETARY OF STATE adopted emergency amendments for "Procedures and Standards" (92 Ill Adm Code 1001), effective 7/1/96, for a maximum of 150 days. The rulemaking includes various amendments for the Breath Alcohol Ignition Interlock Device Pilot Program (BAIID) and strikes a 6/30/96 program sunset date. These devices are designed to prevent vehicle ignition by an intoxicated driver. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include law enforcement agencies and manufacturers and installers of BAIID mechanical units.

Questions/requests for copies: Jay Mesi, Office of the SOS, 288 Howlett Bldg., Springfield IL 62756, 217/785-8237.

Proposed Regulations

in Illinois. Both license and certificate of registration fees are specified. Statutory changes in continuing education requirements, including optional internship programs, are specified. Certain enrollment agreements and refund policies are required. The amendments allow an additional examination retake before requiring refresher coursework and also specify refresher course requirements for teachers who fail their examinations. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include barbers, cosmetologists, estheticians, nail technicians, and their education providers.

Questions/requests for copies/comments until 8/26/96: Jean A. Courtney at the DPR address above.

AGRICULTURE

The DEPARTMENT OF AGRICULTURE proposed amendments for the following 8 Parts: "Animal Diagnostic Laboratory Act" (8 Ill Adm Code 110), "Bovine Brucellosis" (8 Ill Adm Code 75), "Diseased Animals" (8 Ill Adm Code 85), "Equine Infectious Anemia Control" (8 Ill Adm Code 116), "Illinois Pseudorabies Control Act" (8 Ill Adm Code 115), "Livestock Auction Markets" (8 Ill Adm Code 40), "Livestock Dealer Licensing" (68 Ill Adm Code 610), and "Swine Disease Control and Eradication Act" (8 Ill Adm Code 105). Part 110 lowers laboratory testing fees for multiple toxoplasmosis and vesicular stomatitis tests, and eliminates additional charges for test results issued by facsimile. Parts 40 and 610 prohibit the

diversion of diseased animals en route to slaughter from the destination listed on required forms, and Part 40 permits change of ownership for such animals only upon DOA approval. Part 116 adds a 15-day time limit for getting quarantine facilities for a diseased animal in place, limits to 10 days the time period in which the animal may be euthanized or shipped to slaughter after its confirmatory test for disease, and prohibits diverting the animal en route. The rulemaking also repeals a section concerning movement of equidae through livestock sales and auction markets. According to the Department, this section is obsolete because it requires testing of slaughter animals for equine infectious anemia at market. Part 115 updates incorporation of federal regulations and U.S. Animal

Proposed Regulations

Health Assoc. program standards, adds definitions for 2 types of "official random-sample" testing, and amends the requirements for establishing and maintaining qualified pseudorabies negative herds and pseudorabies qualified-negative gene-altered vaccinated swine herds. A section concerning requirements for establishing and maintaining feeder swine pseudorabies monitored herds is repealed because DOA states such monitoring is no longer necessary now that Illinois is a Stage III state. Part 105 repeals a follow-up report concerning quarantined imported feeder swine that is no longer required and specifies that applications for feeder or breeding swine importation permits must include the complete mailing address of the Illinois destination. Also, current requirements for verifying pseudorabies status on health certificates are repeated in the section concerning swine importation. Part 75 amendments update incorporation of federal regulations pertaining to bovine brucellosis, prohibit diversion of animals en route to slaughter, add a special tag requirement for animals vaccinated with the new RB-51 vaccine, and require that certain unvaccinated animals entering Illinois from out-of-state auction markets or marketing centers must have a brucellosis negative test within 30 days prior to entry regardless of state or herd status. Also, Part 85 updates incorporations of federal regulations and prohibits diversion of livestock en route to slaughter, including consignment to points out-of-state. The exemption from certain health or permit requirements of livestock or dogs going to public stockyards is stricken, and the rulemaking specifies that any required forms must accompany all such incoming animals. Three infections that were added to the list of reportable diseases through emergency rulemaking in April are proposed in these amendments. Also, wing and neck bands are added as means of permanent identification for ratites entering Illinois. Small businesses, small municipalities, and not-for-profit corporations affected by the 8

rulemakings above include auction markets, marketing centers, livestock dealers, poultry and livestock producers, slaughter buyers, veterinarians, horse owners, swine owners, farmers, and anyone requesting related laboratory services.

Questions/requests for copies/comments concerning the 8 rulemakings above until 8/26/96: Debbie Wakefield, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505. A public hearing on the above rulemakings is scheduled for 8/21/96 at 10:00 a.m., DOA Bldg. at the State Fairgrounds. In order for mailed comments to be available for consideration at the hearing, DOA requests that they be mailed by 8/15/96.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID proposed amendments to "Practice in Public Hearings" (89 Ill Adm Code 104) and "Application Process" (89 Ill Adm Code 110) to specify when facsimile (fax) materials and other types of copies will or will not be accepted by DPA. Part 104 amendments allow faxed submissions of written, signed requests for a fair hearing. Part 110 requires that any application for public assistance shall be on an "original signed application form". According to DPA, this means that faxed or xerographic copies of DPA application forms will not be accepted.

Questions/requests for copies/comments until 8/26/96: Judy Umunna at the DPA address above.

HEALTH FACILITIES BOARD

The HEALTH FACILITIES PLANNING BOARD proposed amendments for "Permit Application Fees" (77 Ill Adm Code 1190) to increase fees and remove caps for various application, exemption, and permit fees. Also, application fees must be paid within 30 days rather than 60. A new section is added to specify the fees for applica-

tions seeking major medical equipment exemptions. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate health care facilities.

Questions/requests for copies/comments until 8/26/96: David Jones, HFPB, 525 W. Jefferson, 2nd Fl., Springfield IL 62761, 217/782-3516. A public hearing will be held 8/13/96, 1:30 p.m. at the DPH Training Center located on the first floor at the address above.

DORS SCHOOLS

The DEPARTMENT OF REHABILITATION SERVICES proposed amendments to "Admission, Suspension, Expulsion and Discharge Procedures" (89 Ill Adm Code 755) to allow a parent to apply directly to the Illinois School for the Visually Impaired if the parent disagrees with a school district's placement option for a student. The rulemaking also clarifies that required medical examinations for DORS school applicants age 6 or younger must include a lead screening. Also, outreach and center-based services for infants and young children are added to both the Illinois School for the Deaf and the Illinois School for the Visually Impaired if funds are available.

Questions/requests for copies/comments until 8/26/96: Susan Warner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

TAXES

The DEPARTMENT OF REVENUE proposed amendments to rules entitled "Retailers' Occupation Tax" (86 Ill Adm Code 130) to specify recordkeeping requirements for taxpayers who keep tax records in machine-sensible format and those who prepare tax records using automated data processing systems. The rulemaking also explains required DOR accessibility to such

Proposed Regulations

information. Concerning record retention requirements, DOR modifies requirements to reflect new technology but states that it may, rather than will, authorize destruction of original records if they are already preserved on microfilm or microfiche. The rulemaking also adds record retention limitation agreements and explains their use. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include any subject to ROTA.

DOR also proposed amending "Uniform Penalty and Interest Act" (86 Ill Adm Code 700) to reflect the Public Act 89-379 modification of the late filing penalty for returns due on or after 1/1/96. A 2-tier penalty is created whereby a higher penalty is assessed when a return is not filed within 30 days after notice of nonfiling is mailed. Small businesses affected by this rulemaking include those filing a tax return late.

Questions/requests for copies/comments until 8/26/96: Terry Charlton (217/782-6996) for Part 130 and Keith Staats (217/782-7055) for Part 700, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62708.

STATE POLICE

The DEPARTMENT OF STATE POLICE MERIT BOARD proposed an amendment for "Procedures of the Department of State Police Merit Board" (80 Ill Adm Code 150) to specify that the Merit Board will administer the polygraph testing rather than the medical examinations for State Police applicants. According to the Board, medical examinations are now administered by the Illinois State Police, and polygraph testing is being moved from the State Police to the Board. Emergency amendments to this effect were adopted 6/4/96.

Questions/requests for copies/comments until 8/26/96: James E. Seiber, DSPMB, 3180 Adloff Lane, Ste. 100, Springfield IL 62703, 217/786-6240.

EXPEDITED CORRECTION

The ILLINOIS COMMERCE COMMISSION requests an expedited correction for amendments to "Telecommunications Access for Persons with Disabilities" (83 Ill Adm Code 755). When these rules were amended in January, a renumbering of sections resulted in 2 exhibits labeled "N". This correction deletes a repealed Exhibit N from the Table of Contents and retains the renumbered Exhibit N.

Questions/requests for copies: Conrad Rubinkowski, ICC, 527 E. Capitol Ave., Springfield IL 62794-9280, 217/785-3922.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 7/23/96 meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT OF REHABILITATION SERVICES

"Centers of Independent Living" (89 Ill Adm Code 886) proposed 3/22/96 (20 Ill Reg 4561)

Repeal of "Centers for Independent Living" (89 Ill Adm Code 885) proposed 3/29/96 (20 Ill Reg 4922)

DEPARTMENT OF PROFESSIONAL REGULATION

"Illinois Physical Therapy Act" (68 Ill Adm Code 1340) proposed 1/19/96 (20 Ill Reg 1103)

"Podiatric Medical Practice Act of 1987" (68 Ill Adm Code 1360) proposed 5/17/96 (20 Ill Reg 6655)

HEALTH FACILITIES PLANNING BOARD

"Public Notice of Opportunity for Public Hearing and Public Hearing Procedures" (77 Ill Adm Code 1200) proposed 3/15/96 (20 Ill Reg 4168)

DEPARTMENT OF AGRICULTURE

"Meat and Poultry Inspection Act" (8 Ill Adm Code 125) proposed 5/17/96 (20 Ill Reg 6626)

DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 4/26/96 (20 Ill Reg 6004)

DEPARTMENT OF PUBLIC HEALTH

"Local Health Protection Grant Rules" (77 Ill Adm Code 615) proposed 3/1/96 (20 Ill Reg 3814)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13188 - JULY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

02
6X

The Flinn Report

DOC

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

July 19, 1996

Issue 29

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

RADIOACTIVE MATERIALS

The DEPARTMENT OF NUCLEAR SAFETY adopted amendments to "Radiation Inspectors and Inspections" (32 Ill Adm Code 410), effective 7/5/96, to add nondepartment qualified inspector suspension as an option when certain specified standards are not met. A \$25 late payment fee and a \$25 mammography file fee are deleted, and a \$25 inspection review fee for other types of radiation machines will be billed to operators after DNR receives the inspection reports. Part 320 also specifies that installation operators will be billed for the annual \$10 radiation machine registration fee with payment due within 60 days. Changes in this rulemaking since its proposal include clarifying the acceptability of radiation inspection reports prepared and submitted by individuals reinstated to the list of nondepartment qualified inspectors and clarifying that the registration of individuals previously suspended shall be revoked for any one or a combination of listed causes, as well as upon repetition of activities which initially resulted in suspension. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that possess radiation

machines that must be inspected or tested under the Radiation Protection Act of 1990.

Questions/requests for copies: Valerie A. Puccini, DNS, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9880, TDD 217/782-6133.

MINING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to rules entitled "Surface-Mined Land Conservation and Reclamation Act" (62 Ill Adm Code 300), effective 7/1/96, to add 18 new sections concerning use of explosives in non-coal extraction operations that are intended to supplement existing State and federal regulations. The rulemaking requires that all blasting operations shall be conducted under the direct supervision of a licensed blaster. Such operations include shot design, layout, drilling, loading, detonation, and recordkeeping. Other topics covered include monitoring; adverse effect control; training, examinations, licensure, and fees; license suspension or revocation; violations; cessation orders; and hearings. Changes in this rulemaking since its proposal include defining

(cont'd next page)

Proposed Regulations

BOILERS & PRESSURE VESSELS


The OFFICE OF THE STATE FIRE MARSHAL proposed a new Part entitled "Boiler and Pressure Repairer Regulations" (41 Ill Adm Code 121) to implement the Boiler and Pressure Vessel Repairer Regulation Act. The rulemaking directs the OSFM to issue certifications of registration and certification renewals to organizations that meet the standards of the National Board of Boiler and Pressure Vessel Inspectors, register properly with the OSFM, and pay specified fees. Topics covered include definitions, exemptions, application procedures, recordkeeping, and certification renewals. OSFM also proposed a new Part entitled "Boiler and Pressure Vessel Rules for Hearings" (41 Ill Adm Code 123) covering all hearings conducted by the Board of Boiler and Pressure Vessel Rules. Topics include definitions, notice and service, prehearing negotiations, hearing procedures, and Board reports. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those that make boilers and pressure vessels or repair them by welding.

Questions/requests for copies/comments concerning the 2 rulemakings above until 9/3/96: John P. Pavlou, OSFM, 1035 Stevenson Dr., Springfield IL 62703-4259, 217/785-1031.

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

 : Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

"cube root scaled distance", requiring notification to the Department within 72 (previously 24) hours after unscheduled blasting that was required to ensure operator or public safety, and moving the location for measurement of an air blast. Small businesses affected by this rulemaking include aggregate mining operations (limestone, silica-sand, and clay mines) that conduct blasting.

Questions/requests for copies: Scott Schmitz, DNR, Office of Mines and Minerals, 524 S. 2nd St., Springfield IL 62701, 217/782-6791.

FUNERAL OR BURIAL FUNDS

The OFFICE OF THE COMPTROLLER adopted a new Part entitled "Illinois Funeral or Burial Funds Act" (38 Ill Adm Code 610), effective 7/3/96, to regulate the sale of funeral goods, services, and cemetery vaults on a pre-need basis and to protect the funds deposited by purchasers. The adopted rules require that sellers of pre-need funeral contracts be licensed by the Comptroller whether or not the contract is funded by trust arrangement, life insurance, or annuity. Also, all pre-need contracts sold in Illinois must contain disclosures to assist consumers in their selection of pre-need funeral arrangements. The proposed requirement that each contract be accompanied by a booklet explaining the law and serving as a consumer's guide to pre-need funeral planning is deleted from this rulemaking. The Comptroller has agreed to propose the booklet required by statute by 6/30/97. Topics covered in the rulemaking include definitions, classification of pre-need contracts by funding methods, trust investments in life insurance or annuities, licensing of sellers, and the schedule of charges the licensee must pay to cover the cost of examining the licensee's books and records. Small businesses affected by this rulemaking include funeral homes, cemeteries, insurance companies, and insurance producers.

Questions/requests for copies: John

E. Stevens, Office of the Comptroller, 201 State House, Springfield IL 62706-0001, 217/782-5328.

FOSTER CARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments for "Placement and Visitation Services" (89 Ill Adm Code 301), effective 7/5/96, to implement a consent decree that promotes placing siblings together or, if such placement is not achieved, ensuring visitation and communication between siblings who are separated. Topics covered include definitions, criteria for separate placement, documentation of DCFS efforts to find a joint placement, family and sibling visitation, and visitation exceptions.

Questions/requests for copies: Jacqueline Nottingham, DCFS, Office of Rules and Procedures, 406 E. Monroe St., Station #222, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715.

BOILERS & PRESSURE VESSELS

The OFFICE OF THE STATE FIRE MARSHAL adopted amendments to "Boiler and Pressure Vessel Safety" (41 Ill Adm Code 120), effective 7/3/96, to adopt the most recent addenda to the National Board of Boiler and Pressure Vessel Inspectors Inspection Code (1992) and the American Society of Mechanical Engineers (ASME) Code (1992). The ASME CSD-1 reference concerning controls and safety devices for automatically fired boilers is also updated to 1993 and a requirement for Boiler Blowoff Systems is added. A change in this rulemaking since its proposal requires the petroleum refinery pressure vessel inspector to have 5 years of experience. Small businesses affected by this rulemaking include fabricators and purchasers of boilers and pressure vessels.

Questions/requests for copies: David Douin at the OSFM address above, 217/782-2696.

RULES CORRECTION

The DEPARTMENT OF AGRICULTURE adopted an expedited correction of rules entitled "Grain Code" (8 Ill Adm Code 281), effective 4/1/96, to correct a citation to the Illinois Compiled Statutes in the authority note. This rulemaking was adopted in the 4/12/96 issue of the *Illinois Register*.

Questions/requests for copies: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713.

JCAR ACTION

At its 2/20/96 meeting, JCAR considered a Department of Public Aid rulemaking for "Demonstration Programs" (89 Ill Adm Code 170). The Committee recommended that DPA seek an amendment to Section 11-6.2 of the Public Aid Code in order to continue the Illinois Retinal Identification System demonstration project for 3 years, rather than the 12 months that Public Act 88-554 currently stipulates. DPA plans to run this demonstration project for 3 years, as required by the federal waiver. While adherence to the federal waiver is necessary to the program, the statute should not be left with a provision DPA is going to ignore. The Department did not provide a written response to the JCAR recommendation.

At the 6/25/96 meeting, JCAR determined that DPA's lack of response failed to remedy the recommendation. A Notice of Failure to Remedy the Recommendation is published in this week's *Illinois Register*. In addition to publishing this notice, the Committee voted to propose and seek passage of legislation changing the 12 months authorized by current statute to 3 years and to notify the General Assembly leadership of DPA's refusal to seek a change in statute even though it persisted in adopting rules that are not in accord with current statute.

Proposed Regulations

HEALTH PLANNING AREAS

The HEALTH FACILITIES PLANNING BOARD proposed amendments for "Narrative and Planning Policies" (77 Ill Adm Code 1100) to rewrite the principles and factors applicable to establishing health planning area boundaries and also to specify boundary changes. For medical-surgical/pediatric categories of service, 40 areas in 6 regions are listed. Ninety-five planning areas in 11 Health Service Areas (HSAs) are listed for the general long-term care category of service. Concerning the obstetric service category, calculation of need for obstetrical beds uses 2.5 days, rather than 3.5, for projected maternity patient days per birth. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate health care facilities.

Questions/requests for copies/comments until 9/3/96: Donald Jones,

HFPB, 525 W. Jefferson, 2nd Fl., Springfield IL 62761, 217/782-3516. A public hearing is scheduled for 8/13/96 at 1:30 p.m., DPH Training Center at the HFPB address above.

INCOME TAX

The DEPARTMENT OF REVENUE proposed amending "Income Tax" (86 Ill Adm Code 100) to explain in detail the types of organizations that are "financial organizations" under the Illinois Income Tax Act. An earlier proposed amendment on this same subject that was published in the 9/15/95 *Illinois Register* is being withdrawn in favor of this current proposed amendment as a result of public comment, according to DOR. Small businesses affected by this rulemaking include any small banks, safe deposit companies, loan companies, currency exchanges or other businesses that fall within the financial organization category.

Questions/requests for copies/comments until 9/3/96: Paul Caselton, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

STATE POLICE

The STATE POLICE MERIT BOARD proposed an amendment to "Procedures of the Department of State Police Merit Board" (80 Ill Adm Code 150) to strike the provision that the promotion certification list for the ranks of special agent to sergeant will be by regions. According to the Board, this change means that special agents and troopers will be on the same promotional list broken down by districts.

Questions/requests for copies/comments until 9/3/96: James E. Seiber, DSPMB, 3180 Adloff Lane, Ste. 100, Springfield IL 62703, 217/786-6240.

JCAR Newsletter Subscription

The Joint Committee on Administrative Rules is updating its newsletter mailing list for "Illinois Regulation" in order to delete duplicate or obsolete subscriptions. Please indicate below whether you wish to continue receiving the newsletter, and attach your current mailing label. Please make any address or name changes directly on the mailing label. Your prompt response before September 1, 1996, is necessary for continued receipt of "Illinois Regulation".

-----Continue my subscription

-----Discontinue my subscription

Attach label here

-----Continue my subscription as modified on label

Return form to Joint Committee on Administrative Rules,
700 Stratton Office Bldg., Springfield, Illinois 62706

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The Department on Aging rulemaking will be considered at the 7/23/96 meeting, and the remaining rulemakings will be considered at the 8/20/96 JCAR meeting. Comments concerning these rulemakings may be directed to the Joint Committee at the address above.

DEPARTMENT ON AGING

"Community Care Program" (89 Ill Adm Code 240) proposed 4/5/96 (20 Ill Reg 5104)

DEPARTMENT OF REHABILITATION SERVICES

"Eligibility" (89 Ill Adm Code 682) proposed 4/5/96 (20 Ill Reg 5296)

DEPARTMENT OF INSURANCE

"Small Employer Carrier Actuarial Certification and Documentation Requirements" (50 Ill Adm Code 5100) proposed 3/1/96 (20 Ill Reg 3688)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13216 - JULY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY

AUG 05 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

AUG 20 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN**The Flinn
Report**

Illinois

Regulation**Joint Committee on Administrative Rules**

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

July 26, 1996

Issue 30

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations**Proposed
Regulations****TEXTBOOK LOAN PROGRAM**

The STATE BOARD OF EDUCATION adopted amendments to "Secular Textbook Loan" (23 Ill Adm Code 350), effective 7/12/96, to redefine "secular textbook" to include instructional computer software and simplify and clarify book loan requests and acquisition procedures under the program. Funding will be allocated on a per-pupil basis, based upon the total amount of funds appropriated for the program and the statewide public and nonpublic school enrollment in the specific grade levels to be funded for the preceding year. Changes in the rulemaking since its proposal include clarifying the basis for allocation of funds.

Questions/requests for copies: William Lohman, ISBE, 100 N. 1st St., W-377, Springfield IL 62777-0001, 217/782-9374.

HEALTH CARE PROVIDERS

The DEPARTMENT OF INSURANCE adopted a new Part entitled "Preferred Provider Program Administrators" (50 Ill Adm Code 2051), effective 7/15/96, to replace "Preferred Provider Program Administrators" (50 Ill Adm Code 6501), which DOI repealed on the

same date. The Department states there is no substantive difference between the two Parts and that the regulations are now more appropriately placed in a different subchapter of the *Illinois Administrative Code*. Topics covered include definitions, assumption of underwriting risk, registration, fees, fiduciary and bonding requirements, records, and examination of problems or complaints.

Questions/requests for copies: Denise Fuchs, DOI, 320 W. Washington, Springfield IL 62767-0001, 217/785-8560.

DPA PAYMENT LEVELS

The DEPARTMENT OF PUBLIC AID adopted amendments to "General Assistance" (89 Ill Adm Code 114), effective 7/10/96. An identical emergency rulemaking became effective 2/28/96. This rulemaking increases the Transitional Assistance Payment Level from \$60 to \$100 per month.

Questions/requests for copies: Judy Umunna, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

(cont'd next page)

CAPITAL DEVELOPMENT BOARD

The CAPITAL DEVELOPMENT BOARD proposed the repeal of the following 3 Parts: "Definitions" (71 Ill Adm Code 1), "Definitions" (44 Ill Adm Code 900), and "Project Procedures" (71 Ill Adm Code 20). Parts 1 and 900 consist of definitions that CBD states will be included in various Parts, as needed, rather than retained separately. Part 20 is obsolete, according to CDB, because its original purpose was to discourage agencies from waiting until late in the fiscal year to request architectural, engineering, or construction services. Under the State's current fiscal situation, funding for maintenance and permanent improvement projects in the user agencies' operations budgets is limited or non-existent. The users do not have project lists to submit, and most user-funded requests are for assistance with emergency projects.

The BOARD also proposed the repeal of "Hearing Procedures" (71 Ill Adm Code 100) and its replacement with a new Part of the same title and number. According to CDB, the new Part is intended to shorten and simplify the hearing process while promoting settlement. More deadlines are specified, and complaints must be filed within 30 days of final agency action. Also, the hearing officer may question parties and witnesses directly and execute other specified powers and duties. CDB's executive director has

(cont'd page 4)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

TOBACCO & FUEL TAXES

The DEPARTMENT OF REVENUE adopted a new Part entitled "Tobacco Products Tax Act of 1995" (86 Ill Adm Code 660), effective 7/16/96, to implement a tax equal to 18% of tobacco products' wholesale price upon the last distributor who sells to a retailer or consumer in Illinois. Topics covered include definitions, distributor license requirements, tax filing, recordkeeping, credits or refunds, and exempt sales. Small businesses affected by this rulemaking include tobacco product distributors.

The DEPARTMENT also adopted an amendment to "Motor Fuel Tax" (86 Ill Adm Code 500), effective 7/16/96, to specify that the lessee (carrier) will be responsible for reporting and paying fuel use tax in the absence of a written agreement or contract with the lessor (an independent contractor under a long-term lease of over 30 days) that states otherwise. The same rule applies if the document is silent regarding such payment responsibility. Small businesses, not-for-profit corporations, and small municipalities affected by this rulemaking include motor carriers using independent contractors under long-term leases of 30 days or more.

Questions/requests for copies of the 2 rulemakings above: Gina Roccaforte, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

STUDENT SCHOLARSHIPS

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted amendments for "Grant Program for Dependents of Correctional Officers" (23 Ill Adm Code 2731), effective 7/15/96, to add a definition section and elaborate on various grant criteria and procedures. New provisions include requiring that the grant applicant be a

U.S. citizen or eligible noncitizen, capping private school payments at the maximum cost for a comparable program at a public institution, prorating payments to reflect appropriation levels, capping grants at actual cost, and making payments directly to an institution rather than the student. The rulemaking also specifies that an applicant does not need to be a resident of Illinois at the time of enrollment.

The COMMISSION also adopted amendments to "Grant Program for Dependents of Police or Fire Officers" (23 Ill Adm Code 2732), effective 7/15/96, to change the Part title and expand grant eligibility to cover dependents of disabled officers in addition to dependents of officers killed in the line of duty. Other amendments parallel those described above for Part 2731.

Questions/requests for copies of the 2 rulemakings above: Raquel G. Martinez, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500 (ext. 3304).

TOLL HIGHWAY AUTHORITY

The ILLINOIS STATE TOLL HIGHWAY AUTHORITY adopted amendments to "State Toll Highway Rules" (92 Ill Adm Code 2520), effective 7/12/96, to add a new subpart concerning video surveillance of a motorist's failure to pay a toll and subsequent penalty assessment. Topics covered include definitions, notices, discovery, hearings, defaults, continuances, and final order enforcement.

Questions/requests for copies: George J. Sotos, ISTHA, One Authority Dr., Downers Grove IL 60515, 708/241-6800.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES adopted amend-

ments to "Advisory Councils" (89 Ill Adm Code 515), effective 7/16/96, concerning the Blind Services Planning Council (BSPC). The proposed rulemaking provided that when no member of a particular consumer organization could be found to serve on the BSPC, another appropriate representative of the blind community might be chosen to fill the vacancy, providing such appointment did not conflict with other council membership requirements. Changes in this rulemaking since its proposal, however, delete this provision and instead establish that the presence of 51% of the current BSPC membership shall constitute a quorum.

Questions/requests for copies: Susan Warrner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

CAPITAL DEVELOPMENT

The CAPITAL DEVELOPMENT BOARD adopted amendments to "Rules of the Capital Development Board" (2 Ill Adm Code 1650), effective 7/16/96, to update the agency's organization chart and statutory citations. The sections entitled "Insurance" and "Severability" are repealed, also. Formerly, the Board required that as long as any bonds of an authorized series remained outstanding, CDB would require insurance to be maintained on the subject project.

Questions/requests for copies: Claire Gibson at the CDB address below.

HEALTH CARE

The DEPARTMENT OF PUBLIC HEALTH adopted amendments for the following 10 Parts, effective 7/15/96. Similar or identical emergency rulemakings became effective 1/1/96: "Community Living Facilities Code" (77 Ill Adm Code 370), "Hospital Programs" (77 Ill Adm Code 280),

Proposed Regulations

imposition of any new custody, service, maintenance or similar fee, as well as any changes to existing fees of that nature. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include small securities dealers and investment advisers or issuers.

Questions/requests for copies/comments until 9/9/96: Michael A. Chizmar, SOS, Illinois Securities Department, 520 South Second, Ste. 200, Springfield IL 62701, 217/524-8040.

MOBILE HOMES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to rules entitled "Illinois Mobile Home Tiedown Act" (77 Ill Adm Code 870) to address problems recently experienced with the existing definitions and proper installation methods for equipment. Definitions are proposed for frost depth and permanent foundation. Length of mobile homes is redefined to include wall and room extensions, and mobile home is redefined to include certain manufactured homes. Previous approvals of tiedown equipment shall become void on 12/31/96. Starting with sales after 12/31/96, tiedown manufacturers must submit detailed plans and specifications, including strength of all tiedown equipment, for DPH approval. Equipment testing requirements are established, and manufacturers are required to prepare detailed installation instructions which must be pre-approved by the Department and furnished to the consumer. Anchors shall also be permanently marked with an identification number that is visible when the equipment is installed. Other topics covered include number of

tiedowns and installation requirements, equipment specifications, and administrative hearings. Small businesses affected by this rulemaking include mobile home tiedown equipment manufacturers and installers.

Questions/requests for copies/comments until 9/9/96: Gail M. DeVito at the DPH address above.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID proposed amendments to "Medical Payment" (89 Ill Adm Code 140) to base exceptional care rate-setting on Fiscal Year 1994 data that is averaged in geographical areas and updated annually for inflation. Exceptional care agreements would not be subject to provisions regarding notice and right to a hearing in the event of termination. Also, DPA could terminate a provider's agreement for any reason upon 60 days' written notice. Other proposed amendments increase the percentage of facility costs in exceptional care reimbursement, eliminate eligibility for Medicaid-eligible residents who are receiving Medicare benefits, and expand the settings from which an eligible client may be discharged. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate nursing facilities.

Questions/requests for copies/comments until 9/9/96: Joanne Jones at the DPA address above.

The DEPARTMENT OF PUBLIC AID withdrew proposed amendments to "Aid to Families with Dependent Children" (89 Ill Adm Code 112) that were proposed in the 2/23/96 issue of the *Illinois Register* to change exemptions from JOBS program participation. According to DPA, the

proposed amendments failed to include provisions concerning the Department's Family Accountability Project that specify that an individual shall be exempt from JOBS participation when the individual is the parent or other caretaker relative of a child under age three in the home. However, an individual cannot be exempted due to providing care for a child under age three who is included in the grant as a child subject to the Personal Responsibility Project. The Department will propose new amendments to replace this rulemaking.

Questions/requests for copies: Judy Umunna at the DPA address above.

BOILERS AND PRESSURE VESSELS

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to "Boiler and Pressure Vessel Safety" (41 Ill Adm Code 120) to specify the various fees for inspections and other services performed by the Division of Boiler and Pressure Vessel Safety, add and amend definitions, and add regulations for welded repairs to low pressure boilers. The rulemaking also includes changes reflective of proposed amendments to other OSFM rules published in last week's *Illinois Register*. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include boiler and pressure vessel owners, operators, and repairers.

Questions/requests for copies/comments until 9/9/96: John Pavlou, OSFM, 1035 Stevenson Dr., Springfield IL 62703-4259, 217/785-1031.

Proposed Regulations

15 days following receipt of the hearing officer's recommendation to issue a decision. Small architectural or engineering firms requesting a CDB hearing may be affected by these rules.

CDB proposed amendments for "Access to Information" (2 Ill Adm Code 1651, "Asbestos Abatement Authority Act Procedures" (71 Ill Adm Code 500), and "Bidder Responsibility" (44 Ill Adm Code 950). Part 1651 amendments strike the required use of a specified form when requesting public records under the Freedom of Information Act. Part 500 adds incorporations by reference for the federal Asbestos School Hazard Abatement Reauthorization Act of 1990, federal 1995 Occupational Health and Safety Act rules, and the Illinois Commercial and Public Building Asbestos Abatement Act. Part 950 amendments concern contractors under suspension, debarment, nullification or modification of responsibility, or a conditional responsibility determination. The rulemaking specifies that if such a contractor violates any terms or conditions imposed by CDB, the Board may extend the applicable sanctions. The current rule allows sanction extensions if a contractor does subcontracting work on a CDB project after a sanction.

The BOARD also proposed amendments to "Board Action" (71 Ill Adm Code 10) and "Standards for Award of Grants Elementary and Secondary Schools Capital Assistance Program" (71 Ill Adm Code 40). The Part 40 amendment clarifies that a school district's "Grant Index" is determined by the State Board of Education, not CDB. This index is used to calculate school district planning assistance grants. Part 10

amendments strike the requirement that Board members be given at least 5 days' written notice of special meetings and lengthens the advance posting of Board meeting notices from 24 to 48 hours prior to a meeting. The rulemaking also changes from 4 to 3 the minimum number of votes needed to pass final determinations, states the Chairperson has the same voting rights as other Board members, and amends the appointment procedures for Vice-Chairperson and Secretary. Provisions concerning records of Board actions in the form of resolutions or memoranda, minutes, and recorded votes are amended, and the rulemaking strikes the requirement that CDB mail an advance copy of a proposed rule revision to all "user agencies" that request such copies. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include any that request a CDB hearing, apply for a grant, desire to contract or subcontract on a CDB project, or work to identify or abate asbestos in State governmental buildings.

Questions/requests for copies/comments concerning the 10 rulemakings above until 9/9/96: Claire Gibson, CDB, Stratton Bldg., 3rd Fl., 401 S. Spring St., Springfield IL 62706, 217/782-1392.

ANNUITIES

The DEPARTMENT OF INSURANCE proposed a new Part entitled "Modified Guaranteed Annuity (MGA) Contracts" (50 Ill Adm Code 1410) to establish required contract provisions for modified guaranteed annuity contracts and to regulate the use of sales materials. Topics covered include purpose, applicability, definitions, authority of insurers, contract filing, modified MGA contract requirements, reserve liabilities and reports to policyholders.

Questions/requests for copies/comments until 9/9/96: David Van Lieshout (217/782-2867) or Mary Meyer (217/785-8220) at the DOI address above.

INCOME TAX

The DEPARTMENT OF REVENUE proposed amendments to "Income Tax" (86 Ill Adm Code 100) to add Quad Cities Interstate Metropolitan Authority bonds and Southwestern Illinois Development Authority bonds to the list of bonds on which the interest income is exempt from Illinois income taxation. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those with bond income from the 2 exempt entities above.

Questions/requests for copies/comments until 9/9/96: Keith Staats at the DOR address above, 217/782-7055.

SECURITIES

The SECRETARY OF STATE proposed amendments to "Regulations Under the Illinois Securities Law of 1953" (14 Ill Adm Code 130). Extensive amendments are proposed, including the repeal of 2 sections and the addition of 4 new sections. Addresses and fee schedules are updated (including 7 fee decreases and 1 increase), terms and procedures are defined or clarified, electronic registration and renewal of investment company products are recognized, filing procedures are provided for certain small issuers, filing requirements are simplified, and the Series 66 Examination is recognized. Also, dealers are required to provide written disclosures and advance notice to customers within 45 days prior to the

New Regulations

"Hospital Licensing Requirements" (77 Ill Adm Code 250), "Illinois Home Health Agency Code" (77 Ill Adm Code 245), "Illinois Veterans' Homes Code" (77 Ill Adm Code 340), "Intermediate Care for the Developmentally Disabled Facilities Code" (77 Ill Adm Code 350), "Long-Term Care Assistants and Aides Training Programs Code" (77 Ill Adm Code 395), "Long-Term Care for Under Age 22 Facilities Code" (77 Ill Adm Code 390), "Sheltered Care Facilities Code" (77 Ill Adm Code 330), and "Skilled Nursing and Intermediate Care Facilities Code" (77 Ill Adm Code 300). The rulemakings implement The Health Care Worker Background Check Act, which requires criminal history background checks, beginning 1/1/96, for certain health care workers seeking employment and requires such checks for existing health care employees, beginning 1/1/97. The new law prohibits persons who have been convicted of serious crimes from employment in positions involving direct care of patients or residents. Topics covered include definitions, the list of criminal offenses that bar employment, reliance upon Uniform Conviction Information Act (UCIA) criminal history record checks, fingerprinting, waivers, exceptions, report accessibility, and record retention. Additionally, Part 390 references developmental disabilities aide training and registration requirements, and Part 395 adds further details concerning long-term care assistant training programs. Part 250 adds a new section that requires each hospital to have an agreement with its federally designated organ procurement agency providing for agency notification when potential organ donors become available. Access to medical records of deceased patients by organ procurement agencies or tissue banks is allowed for certain specified purposes. The rulemaking also permits hospitals located in counties with fewer than 3 million inhabitants to seek DPH approval to conduct their operations

from multiple locations within a county under one license. Approval criteria are specified. No substantive changes were made in Part 395 after its proposal. All other Parts were changed in the following respects: (1) facilities are permitted to rely on a criminal history record check of employees made within the last 12 months, (2) facilities are required to maintain the criminal history record check in a place accessible to DPH, and (3) parallel citations to the Illinois Revised Statutes are reinserted. Parts 245, 340, 350, 390, 330, 300 and 370 were changed to require that social security numbers be included on criminal history record checks, and Parts 250, 245 and 370 were changed to require that copies of all criminal history checks be sent to the State Nurse Aide Registry. Small businesses, small municipalities, and not-for-profit corporations affected by the 10 rulemakings above include county nursing homes and health departments, home health agencies, community living facilities, hospice programs, long-term care facilities, and hospitals.

DRINKING WATER

The DEPARTMENT OF PUBLIC HEALTH also adopted amendments to "Drinking Water Systems Code" (77 Ill Adm Code 900), effective 7/22/96. Identical emergency amendments became effective 2/16/96. The rulemaking corrects references to Pollution Control Board rules and specifies that PCB rules on operation, recordkeeping, and primary drinking water standards apply to all non-community public water supplies. Owners of non-community water systems are affected by this rulemaking.

Questions/requests for copies of the 11 rulemakings above: Gail M. DeVito, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "Pay Plan" (80 Ill Adm Code 310), effective 7/10/96, to add designated pay rates for DCCA economic development representative II and private secretary II; DMHDD medical administrator II, option D; and DOR public service administrator. Various other designated pay rates are increased. Provision is also made to include at half rate the sick leave earned and not taken since 1/1/84 when computing lump sum payments. Additionally, the rulemaking adds definitions for "in-hiring rate" and "merit pay zone limit" and specifies how the zone limit concept applies to salary reductions. However, this last provision concerning merit pay zone limits is stricken in the emergency rulemaking below.

The DEPARTMENT also adopted amendments to "Pay Plan" (80 Ill Adm Code 310) by emergency rulemaking, effective 7/10/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemakings implement the FY 97 pay plan changes affecting employees subject to the Merit Compensation Plan. Also, the annual merit increase guidechart for FY 97 is changed from 5 categories to 4, and the merit pay zone is eliminated from the salary ranges. (See the DCMS rulemaking directly above.)

Questions/requests for copies of the 3 rulemakings above/comments concerning the proposed rulemaking until 9/9/96: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 8/20/96 JCAR meeting.

DEPARTMENT OF NATURAL RESOURCES

"Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping" (17 Ill Adm Code 570) proposed 4/26/96 (20 Ill Reg 5948)

"Youth Hunting Season for White-Tailed Deer" (17 Ill Adm Code 685) proposed 5/31/96 (20 Ill Reg 7502)

"Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting" (17 Ill Adm Code 530) proposed 5/31/96 (20 Ill Reg 7483)

DEPARTMENT OF REVENUE

"Property Tax Code" (86 Ill Adm Code 110) proposed 5/31/96 (20 Ill Reg 7509)

"Property Tax Code" (86 Ill Adm Code 110) proposed 5/24/96 (20 Ill Reg 7305)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13240 - JULY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

348.02
E26x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

August 2, 1996

Issue 31

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

CHILD ABUSE/NEGLECT

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments, effective 8/1/96, to "Appeal of Child Abuse and Neglect Investigation Findings" (89 Ill Adm Code 336) and "Reports of Child Abuse and Neglect" (89 Ill Adm Code 300). An identical Part 336 emergency rulemaking became effective 3/15/96. Part 336 amendments change the standard of proof to be applied in administrative hearings on indicated findings of child abuse or neglect from the credible evidence standard to a preponderance of the evidence. Part 300 amendments add funeral home directors or their employees to the list of persons mandated to report suspected child abuse or neglect. Small businesses affected by this rulemaking include funeral homes.

Questions/requests for copies of the 2 rulemakings above: Jacqueline Nottingham, Office of Rules and Procedures, DCFS, 406 E. Monroe, Station #222, Springfield IL 62701-1498, 217/524-1983, FAX 217/524-3715.

EDUCATIONAL BONDS

The EDUCATIONAL FACILITIES AUTHORITY adopted amendments to "Functions and Planning Program" (23 Ill Adm Code 2310), effective 7/1/96, to decrease the annual fee for servicing a bond financing from 2/100 to 1.5/100 of 1% of the original amount of the bond issue. The new annual fee applies on or after 7/1/96, and affects not-for-profit corporations aided by the Authority.

Questions/requests for copies: Thomas P. Conley, IEFA, 333 W. Wacker Dr., Ste. 2600, Chicago IL 60606, 312/781-6633.

INSURANCE LICENSURE

The DEPARTMENT OF INSURANCE adopted amendments to "Pre-Licensing and Continuing Education" (50 Ill Adm Code 3119), effective 7/19/96, to remove exceptions to continuing education (CE) requirements and specify 15 hours of CE per year rather than the current 25 hours for the first 4 license renewals only, starting 1/1/97. A new section is added concerning the

PUBLIC AID

The DEPARTMENT OF PUBLIC AID proposed amending "Food Stamps" (89 Ill Adm Code 121) to strike references to applying for a Social Security number through the Department, require all eligible nonexempt adults to register for employment as a condition for receiving food stamps, specify which individuals are exempt from work registration requirements, and explain the sanctions for noncompliance. The rulemaking also adds an exemption from the "voluntary quit" rule that denies food stamps for 90 days if the primary wage earner or the only adult member of the food stamp household quits a job without good cause. Other topics covered include impact on food stamp benefits of noncompliance with cash assistance program requirements, deduction of child support payments from income in benefit calculations, and the requirement that certain children who receive AFDC cash assistance remain in the same food stamp cases as their caretaker relatives. The rulemaking also drops the maximum age of students eligible for food stamps from age 59 to 49, adds State-funded programs to the allowable federally-funded work study programs for students who seek food stamp eligibility, and does not recognize special programs such as English-as-a-second-language or community education courses as enrollment in a higher education program.

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

(cont'd page 3)

New Regulations

responsibilities of license applicants and licensed insurance producers. The rulemaking also requires students using self-study courses to pass examinations and specifies certain related exam prohibitions. Also, CE instructors are allowed CE credit for teaching courses, and provider disqualification criteria are amended. Changes in this rulemaking since its proposal include deleting the requirement that CE providers pay a designated service administrator for services rendered in collecting the providers' educational data. Also, the maximum amount of CE credit for any course is limited to 15 hours after 12/31/96. Small businesses affected by this rulemaking include insurance producers and continuing education providers.

Questions/requests for copies: Bruce Cassens, DOI, 320 W. Washington, Springfield IL 62767-0001, 217/782-5415.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES adopted amendments, effective 7/19/96, for "Projects with Industry" (89 Ill Adm Code 640) and "Services" (89 Ill Adm Code 590). Part 640 amendments clarify eligibility determination options for the Projects with Industry Program (PWI) and clarify when DORS will refer a customer for PWI services. The rulemaking also specifies that when an individual is determined eligible for both PWI and DORS services, DORS will open a vocational rehabilitation case for tracking and assistance purposes and will develop an individualized written rehabilitation program for the client. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing employment to DORS clients and others under the Projects with Industry Program. Part 590 amendments add conditions under which post-employment services may be provided to a DORS customer. The requirement that such services be necessary to maintain current employ-

ment is expanded to include regaining or advancing employment consistent with the individual's abilities, capabilities, and interests. The provision of multiple services is not included, and services lasting longer than 6 months may necessitate opening a new case.

NURSING HOME PRESCREENING

DORS also adopted amendments to "Prescreening" (89 Ill Adm Code 681), effective 7/19/96. Part 681 amendments require all individuals aged 18 through 59 who seek nursing home placement to be prescreened, regardless of their method of payment for services. Previous rules required prescreening only for those who seek Medicaid funding. The prescreening process includes a Determination of Need (DON) score and completion of the Inter-Agency Certification of Imminent Risk. Eligibility for institutional care and for the Home Services Program (HSP) is based on the prescreening. Changes in this rulemaking since its proposal include defining "nursing facility" and revising the Department's prescreening responsibilities by adding 7 exemptions to the prescreening process. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of intermediate care facilities, skilled nursing facilities, or in-home workers.

Questions/requests for copies of the 3 rulemakings above: Susan Warrner, DORS, Regulations and Procedures Division, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

MEAT AND POULTRY

The DEPARTMENT OF AGRICULTURE adopted amendments to "Meat and Poultry Inspection Act" (8 Ill Adm Code 125) by peremptory rulemaking, effective 7/17/96. The amendments incorporate federal regulations that DOA advises permit the use of a solution of sodium citrate buffered with citric acid in cured and uncured

processed whole-muscle meat and poultry products. The rulemaking also expands the types of labeling authorized for use on meat and poultry products by official establishments in the U.S. that would not require submittal to the Food Safety and Inspection Service (FSIS) for approval prior to use; permits the submission of only sketch labeling, except for temporary approvals, in those instances where labeling is required to be submitted for approval; and requires retention of certain labeling records. Small businesses affected by this rulemaking include meat and poultry processors and slaughterers.

Questions/requests for copies: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

FUNERAL AND BURIAL EXPENSES

The DEPARTMENT OF PUBLIC AID adopted amendments to "Related Program Provisions" (89 Ill Adm Code 117), effective 7/23/96, by emergency rulemaking, for a maximum of 150 days to increase the maximum amount the Department will pay for funeral expenses from \$630 to \$650 for persons age 5 through adult, from \$394 to \$405 for children age 3 months to 5 years, and from \$315 to \$325 for infants stillborn up to age 3 months. The maximum allowable payment for burial expenses is also increased from \$315 to \$325, and the maximum allowable amount for an Anatomical Gift case is increased from \$90 to \$93 plus \$50 for a memorial service held in the funeral home. An identical proposed rulemaking is included in this issue of the *Illinois Register*. Small businesses affected by these rulemakings include funeral homes.

Questions/requests for copies/comments concerning the proposed rulemaking until 9/16/96: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 8/20/96 JCAR meeting.

DEPARTMENT OF NUCLEAR SAFETY

"Certification of Individuals to Perform Industrial Radiography" (32 Ill Adm Code 405) proposed 3/1/96 (20 Ill Reg 3779)

"Accrediting Persons in the Practice of Medical Radiation Technology" (32 Ill Adm Code 401) proposed 3/1/96 (20 Ill Reg 3772)

"Registration of Radon Detection and Mitigation Services" (32 Ill Adm Code 420) proposed 3/1/96 (20 Ill Reg 3785)

DEPARTMENT OF TRANSPORTATION

"Disadvantaged Business Enterprises" (92 Ill Adm Code 10) proposed 5/24/96 (20 Ill Reg 7367)

"Rules on Transporting Pupils Where Walking Constitutes a Serious Safety Hazard" (92 Ill Adm Code 556) proposed 5/17/96 (20 Ill Reg 6660)

JCAR Newsletter Subscription

The Joint Committee on Administrative Rules is updating its newsletter mailing list for "Illinois Regulation" in order to delete duplicate or obsolete subscriptions. Please indicate below whether you wish to continue receiving the newsletter, and attach your current mailing label. Please make any address or name changes directly on the mailing label. Your prompt response before September 1, 1996, is necessary for continued receipt of "Illinois Regulation".

-----Continue my subscription

-----Discontinue my subscription

Attach label here

-----Continue my subscription as modified on label

Return form to Joint Committee on Administrative Rules,
700 Stratton Office Bldg., Springfield, Illinois 62706

Proposed Regulations

approval of both parties and DOL. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate radio or television stations and any party involved in DOL informal investigative conferences.

Questions/requests for copies/comments until 9/16/96: Scott D. Miller, DOL, 160 N. LaSalle, Ste.

C-1300, Chicago IL 60601, 312/793-1811.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES proposed amending "Services" (89 Ill Adm Code 590) to specify that all equipment provided for a customer's use must be vocationally related rather than for non-vocational per-

sonal use. The rulemaking also requires the customer to be able to fully use the equipment and states that DORS will provide training in equipment use, if necessary.

Questions/requests for copies/comments until 9/16/96: Susan Warrner at the DORS address above.

JCAR Meeting Action

The Joint Committee on Administrative Rules took the following actions at its 7/23/96 meeting:

SECRETARY OF STATE

JCAR objects to the emergency rules of the Secretary of State entitled "Issuance of Licenses" (92 Ill Adm Code 1030) because no condition meeting the criteria for emergency rulemaking in Section 5-45 of the Illinois Administrative Procedure Act is present in this instance.

DEPARTMENT OF PUBLIC HEALTH

The Committee considered the rulemaking entitled "AIDS Drug Reimbursement Program" (77 Ill Adm Code 692) and recommends that when the Department gives Second Notice on the identical proposed rulemaking, it include standards within Section 692.10(b) for the exercise of discretion by DPH in determining for which categories of drugs participants will be reimbursed.

DEPARTMENT OF PUBLIC AID

At its 3/26/96 meeting, the Committee objected to the emer-

gency rulemaking entitled "General Assistance" (89 Ill Adm Code 114) because Public Act 89-21 specifically authorizes the Department to reduce payment levels to Transitional Assistance recipients within a fiscal year to avoid exceeding the appropriated funds for this program, but the Act does not authorize the Department to increase payment levels. On 6/24/96, the Department responded to the Objection by citing more general statutory authority, while ignoring the more specific statutory language. The emergency rule contravenes this specific language. At the 7/23/96 meeting, JCAR determined that the response failed to remedy the Objection. A Notice of Failure to Remedy the Objection will be published in accordance with 1 Ill Adm Code 220.1300 in next week's *Illinois Register*.

ILLINOIS LAW ENFORCEMENT TRAINING STANDARDS BD.

At its 5/21/96 meeting, JCAR reviewed "Part-Time Basic Training" (20 Ill Adm Code 1770) and recommended that the Board meet

with members of the affected public to try to reach agreement on a better definition of "part-time police officer" and encouraged the Board to view independently the hours worked by each officer for multiple units of government for purposes of Part 1770. The Board met with commentators and voted to modify the definitions of "part-time police officer" and "full-time police officer" before it adopted the rules. Contrary to the Committee's intent, the changes were made in the rulemaking without common agreement among all parties. Therefore, a Notice of Failure to Remedy the Recommendation will be published in accordance with 1 Ill Adm Code 220.1300 in next week's *Illinois Register*. In addition to publishing this notice, the Committee asked that the Board meet again with the affected parties and report back to JCAR before its December 1996 meeting as to whether the parties have been able to reach a mutually acceptable position concerning what constitutes a part-time officer.

New Regulations

REHABILITATION

The DEPARTMENT OF REHABILITATION SERVICES adopted amendments to "Assessment for Determining Eligibility and Rehabilitation Needs" (89 Ill Adm Code 553) by emergency rulemaking, effective 7/19/96, for a maximum of 150 days. Providing non-purchased services for eligible individuals is eliminated, and the priority list for purchased services is amended to abolish priority for public aid recipients within the non-severe disability category. The rulemaking also clarifies that public safety officers who are injured in the line of duty have priority to receive purchased services within each category under the Order of Selection. Examples of purchased services are education, training, and prosthetic devices. Counseling, job placement, and resume assistance are examples of non-purchased services. Further, the rulemaking clarifies that individuals previously assigned to a specific priority of service category may be reassigned to a lower priority category only if no longer considered disabled. This determination is subject to appeal procedures. Wait-listing for services is eliminated, also. A similar proposed rulemaking is included in this issue of the *Illinois Register*.

Questions/requests for copies/comments concerning the proposed

rulemaking until 9/16/96: Susan Warner at the DORS address above.

STUDENT FINANCIAL ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted a new Part entitled "Illinois Incentive for Access (IIA) Program" (23 Ill Adm Code 2736) by emergency rulemaking, effective 8/1/96, for a maximum of 150 days, to implement the IIA program by Fall 1996. This program provides a non-renewable maximum \$500 grant to financially needy freshmen enrolled in eligible degree or certificate programs at approved Illinois institutions who meet all grant criteria. Other topics covered include definitions, applicant eligibility, program procedures, and institutional procedures. An identical proposed rulemaking is included in this issue of the *Illinois Register*.

Questions/requests for copies/comments concerning the proposed rulemaking until 9/16/96: Racquel G. Martinez, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500.

WITNESS PROTECTION

The DEPARTMENT OF STATE POLICE adopted a new Part entitled "Gang Crime Witness Protection Act" (20 Ill Adm Code 1275) by emergency

rulemaking, effective 7/19/96, for a maximum of 150 days, to implement the Gang Crime Witness Protection Act. An identical proposed rulemaking is included in this issue of the *Illinois Register*. The rulemakings establish a program whereby the Attorney General or any county's State's Attorney may request reimbursement of victim or witness temporary living costs, moving expenses, rent, or other expenses when the victim or witness is in a protection program. The county must cover at least 25% of the costs unless the match is waived for good cause. State's Attorneys or the Attorney General may also request that the State Police provide technical assistance in protecting and relocating gang crime victims and witnesses. Small municipalities affected by these rulemakings include those that request funds or other assistance from the State Police for such witnesses or victims.

Questions/requests for copies/comments concerning the proposed rulemaking until 9/16/96: James W. Redlich, ISP, 125 E. Monroe St., Rm. 102, P.O. Box 19461, Springfield IL 62794-9461, 217/782-7658.

Proposed Regulations

The Department also proposed an amendment for "Medical Payment" (89 Ill Adm Code 140) to allow payments to out-of-State, long-term care facilities to be negotiated based on the intensity of the required services and to specify that either DPA or DMHDD may make such payments. Prior approval by the funding agency or its designee would be required. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate out-of-State, long-term care facilities.

Questions/requests for copies/comments concerning the 2 rulemakings above until 9/16/96: Judy Umunna for Part 121 and Joanne Jones for Part 140 at the DPA address above.

MINIMUM WAGE

The DEPARTMENT OF LABOR proposed amendments for rules entitled "Minimum Wage Law" (56 Ill Adm Code 210) to define "radio or television announcer, news editor or chief engineer" as employees at a radio or

television station with its major studio located in a town or city of 100,000 population or less. The definition further explains how to calculate city size within a standard metropolitan statistical area. The effect of this change is that a new exemption from paying overtime to these specific employee categories would apply only to radio and television station employees in small communities. The rulemaking also adds a new section that allows an informal investigative conference to be continued upon

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13286 - JULY 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

DEPOSITORY

AUG 24 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

98.05
-16x

The Flinn Report

DOX

Illinois

Regulation

DEPOSITORY

AUG 27 1996

UNIVERSITY OF ILLINOIS
AT URBANA CHAMPAIGN

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

August 9, 1996

Issue 32

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

PHYSICAL THERAPIST LICENSURE

The DEPARTMENT OF PROFESSIONAL REGULATION adopted amendments for rules entitled "Illinois Physical Therapy Act" (68 Ill Adm Code 1340), effective 7/26/96, to reflect statutory changes that became effective 1/1/96. Amendments repeal obsolete grandfathering provisions and add requirements for licensing graduates of physical therapy or physical therapist assistant programs outside the U.S.A. or its territories. Language proficiency testing requirements are added for those whose first language is not English. The rulemaking also provides for approval of an applicant's physical therapy curriculum rather than individual school programs, and accreditation by the Commission on Accreditation in Physical Therapy Education will be accepted as meeting DPR minimum licensure standards. For applicants whose licenses have lapsed 5 (formerly 6) to 10 years, clinical training and continuing education hours are increased to 160 and 20 from 80 and 10 respectively. For licenses lapsed 10 years or more, training hours change from 160 and 20 to 320 and 40. Changes in this rulemaking since its proposal include striking the current

requirement that students complete a minimum of 60 semester hours of college level courses or its equivalent and adding that a licensure applicant's curriculum shall have a minimum of 120 semester hours that include a minimum of 50 semester hours in general education. Also, a new subsection is added to specify that an applicant shall have 60 days after approval of an application to take the licensure examination, or the exam fee is forfeited and the applicant loses the right to work as a physical therapist assistant until the exam is passed. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those employing physical therapists or physical therapy assistants and include physical therapist education providers.

PODIATRISTS

DPR also proposed an amendment to rules entitled "Podiatric Medical Practice Act of 1987" (68 Ill Adm Code 1360), effective 7/26/96, to state that a podiatric physician may advertise certification by a certifying specialty board approved by the Podiatric Medical Licensing Board or Council on

(cont'd next page)

Proposed Regulations

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD proposed amendments for "Riverboat Gambling" (86 Ill Adm Code 3000) to add 13 new sections, repeal 3 sections, and amend 44 sections. The new sections concern public information requests, Board organization, rulemaking, declaratory rulings, analysis of questioned electronic gaming devices, gaming device disposal, subpoena of hearing witnesses, unauthorized winnings disposition, gaming positions, bill validator requirements, licensees' duties, and reporting acquisition of ownership interest by institutional investors of any class of voting securities of a publicly-traded licensee or its parent or parent corporation. Other topics include definitions, misconduct, discipline, identification badges, chip and token exchange, progressive jackpots, computer records, surveillance, reports, special audits, license restrictions, check cashing, employee tips, and taxes.

Questions/requests for copies/comments until 9/23/96: Mareile B. Cusack, IGB, 160 N. LaSalle, Ste. 300 S, Chicago IL 60601, 312/814-4709.

HISTORIC PRESERVATION

The HISTORIC PRESERVATION AGENCY proposed a new Part entitled "Rules for the Protection, Treatment and Inventory of Archaeological and Paleontological Resources on Public

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

Podiatric Medical Education. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of podiatric physicians.

Questions/requests for copies of the 2 rulemakings above: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, FAX 217/782-7645.

HEALTH FACILITIES

The HEALTH FACILITIES PLANNING BOARD adopted amendments to "Public Notice of Opportunity for Public Hearing and Public Hearing Procedures" (77 Ill Adm Code 1200), effective 8/1/96. The rulemaking repeals current provisions for notifying certain agencies, affected persons, and legislators by mail concerning permit applications and opportunities to request a public hearing. Such notice would instead be given through a newspaper announcement in the affected area or community. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate health care facilities.

Questions/requests for copies: Donald Jones, HFPB, 525 W. Jefferson, 2nd Fl., Springfield IL 62761, 217/782-3516.

HORSE RACING

The ILLINOIS RACING BOARD adopted a new Part entitled "Hi/Low" (11 Ill Adm Code 313), effective 8/1/96, to replace rules entitled "Over/Under" that were repealed last year. A hi/low wager is defined as the sum of the official program numbers of the first 3 finishers, irrespective of order, in a designated contest upon which winning wagers are determined. All hi/low wagers will be calculated as an entirely separate wagering pool. Other topics covered include general provisions, pool variations, and pool distribution.

Questions/requests for copies: Gina DiCaro at the IRB address below.

WATER POLLUTION

The POLLUTION CONTROL BOARD adopted amendments for "Pretreatment Programs" (35 Ill Adm Code 310), effective 7/24/96. The amendments update incorporation of federal regulations to include water pretreatment regulations adopted by USEPA between 7/1/95 and 12/31/95. According to PCB, additional water testing methods are added. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include industries disposing of industrial wastewaters into sewage collection systems of publicly-owned treatment works.

Questions/requests for copies: Diane O'Neill at the PCB address below.

HUMAN RIGHTS

The DEPARTMENT OF HUMAN RIGHTS adopted an amendment to "Procedures of the Department of Human Rights" (56 Ill Adm Code 2520), effective 7/24/96. An identical emergency rulemaking became effective 3/15/96. Concerning fact-finding conferences, the rulemaking requires that after 1/1/96, failure of a party to attend a conference without good cause shall result in case dismissal or default. Good cause is defined. Changes in this rulemaking since its proposal include renaming the Part (formerly "Procedural"). Small businesses, not-for-profit corporations, and small municipalities affected by this rulemaking include those subject to the Illinois Human Rights Act.

Questions/requests for copies: David T. Rothal, DHR, 100 W. Randolph, Ste. 10-100, Chicago IL 60601, 312/814-6242, TDD 312/263-1579.

INCOME TAX

The DEPARTMENT OF REVENUE adopted an amendment for "Income Tax" (86 Ill Adm Code 100), effective 7/29/96, to add a new section concerning access to books and records for audit purposes after issuance of a "60-day

letter" to the taxpayer by the Department. Failure to comply precludes the taxpayer from presenting the requested document later in the audit or a subsequent hearing. Changes in this rulemaking since its proposal include adding a 30-day period in which a taxpayer may respond to an auditor's proposed 60-day letter by stating any grounds for objection that the taxpayer believes appropriate. Any small business whose tax liability is under audit or investigation may be affected by this rulemaking.

Questions/requests for copies: Paul S. Caselton, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

PUBLIC UTILITIES

The ILLINOIS COMMERCE COMMISSION adopted amendments to "Rules of Practice" (83 Ill Adm Code 200), effective 8/15/96. Topics covered include filing and service requirements and timeframes, motions, non-active parties, docket-specific discovery, data requests, interlocutory review petitions, teleconferences, briefs, exceptions, oral argument requests, and rehearing applications. New sections are added concerning declaratory rulings, prehearing submissions, paper hearings, certain types of secret information, and waiver of cross examination. Changes in this rulemaking since its proposal include deleting a provision to allow ICC to waive a State rule (possibly with terms and conditions attached) for a requestor in certain circumstances. Also, the rulemaking expands and clarifies use of written materials or visual aids in oral arguments and specifies that such information shall be served on all parties 2 days in advance rather than 5 days. Concerning briefs, arguments shall not be raised in reply briefs unless they respond to opening brief arguments, and oral closing statements may be made to the hearing examiner in lieu of briefs. Small businesses, small municipalities and not-for-profit

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 8/20/96 JCAR meeting.

ILLINOIS RACING BOARD

"Claiming Races" (11 Ill Adm Code 510) proposed 6/14/96 (20 Ill Reg 7769)

DEPARTMENT OF PUBLIC AID

"Developmental Disabilities Services" (89 Ill Adm Code 144) proposed 5/24/96 (20 Ill Reg 7302)

DEPARTMENT OF PROFESSIONAL REGULATION

"Marriage and Family Therapy Licensing Act" (68 Ill Adm Code 1283) proposed 5/10/96 (20 Ill Reg 6365)

DEPARTMENT OF NATURAL RESOURCES

"Duck, Goose and Coot Hunting" (17 Ill Adm Code 590) proposed 6/14/96 (20 Ill Reg 7736)

ENVIRONMENTAL PROTECTION AGENCY

"Environmental Laboratory Certification Fee Rules" (35 Ill Adm Code 185) proposed 9/29/95 (19 Ill Reg 13481)

SECRETARY OF STATE

"Public Library Construction Grants" (23 Ill Adm Code 3060) proposed 4/12/96 (20 Ill Reg 5490)

"Statements of Economic Interest" (2 Ill Adm Code 565) proposed 6/7/96 (20 Ill Reg 7586)

JCAR Newsletter Subscription

The Joint Committee on Administrative Rules is updating its newsletter mailing list for "Illinois Regulation" in order to delete duplicate or obsolete subscriptions. Please indicate below whether you wish to continue receiving the newsletter, and attach your current mailing label. Please make any address or name changes directly on the mailing label. Your prompt response before September 1, 1996, is necessary for continued receipt of "Illinois Regulation".

-----Continue my subscription

-----Discontinue my subscription

-----Continue my subscription as modified on label

Attach label here

Return form to Joint Committee on Administrative Rules,
700 Stratton Office Bldg., Springfield, Illinois 62706

Proposed Regulations

for "Consignment of Licenses, Stamps and Permits" (17 Ill Adm Code 2520) to create a "preferred status" for direct agents who sell DNR licenses, stamps, and the like if they meet specified criteria. Preferred status allows agents to receive consignments that total 50% over the amount of their financial evidence. Collection procedures for delinquent accounts are specified. Small businesses affected by this rulemaking include DNR direct agents, including concessionaires holding contracts with DNR, who seek preferred status.

Questions/requests for copies/comments until 9/23/96: Jack Price, DNR, 524 S. 2nd, Springfield IL. 62701-1787, 217/782-1809.

WATER QUALITY

The POLLUTION CONTROL BOARD proposed amendments for "Water Quality Standards" (35 Ill Adm Code 302) to specify that allowable un-ionized ammonia nitrogen acute and chronic standards shall be less strict for April through October than for November through March. The rulemaking also adds a new section to explain when a waterbody shall not be identified as an effluent modified water (EMW). An EMW consists of waters downstream from an effluent outfall and outside of any allowable mixing zone that have the potential to exceed the chronic standards for ammonia. Small businesses and small municipalities affected by this rulemaking include local governments operating sewage treatment works and National Pollutant Discharge Elimination System permittees that discharge ammonia into waterbodies.

Questions/requests for copies/comments until: 9/23/96: Dorothy Gunn, Clerk, PCB, 100 W.

Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931 or Diane O'Neill at the same address, 312/814-6062. Comments should reference Docket R94-1(B).

HORSE RACING

The ILLINOIS RACING BOARD proposed a new section for rules entitled "Claiming Races" (11 Ill Adm Code 510) to specify how to determine the date a claimed horse is eligible to race at a different location or when the horse may be sold or transferred.

Questions/requests for copies/comments until 9/23/96: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-5070.

DRUNK DRIVING

The SECRETARY OF STATE proposed amendments for "Procedures and Standards" (92 Ill Adm Code 1001). An emergency rulemaking to this effect was adopted 7/1/96. The rulemaking includes various amendments for the Breath Alcohol Ignition Interlock Device Pilot Program (BAIID) and strikes a 6/30/96 program sunset date. These devices are designed to prevent vehicle ignition by an intoxicated driver. Including any conviction for reckless homicide under the term "DUI Disposition" is one example of definition changes proposed in this rulemaking. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include law enforcement agencies and manufacturers and installers of BAIID mechanical units.

Questions/requests for copies/comments until 9/23/96: Jay Mesi, Office of the SOS, 288 Howlett Bldg., Springfield IL 62756, 217/785-8237.

CLEAN AIR ACT

The DEPARTMENT OF TRANSPORTATION proposed the repeal of

its Part entitled "Employee Commute Options" (92 Ill Adm Code 600) because the federal government and the State have eliminated a mandatory program that was designed to decrease air pollution by regulating employee commuting styles in clean air severe nonattainment areas. Small businesses, small municipalities, and not-for-profit corporations affected by this repealer include those that were subject to the employee commute options program in nonattainment areas.

Questions/requests for copies/comments until 9/23/96: Susan Stitt, DOT, 2300 S. Dirksen Pkwy., Rm. 307, Springfield IL 62764, 217/782-2863.

AGRICULTURE HEARINGS

The DEPARTMENT OF AGRICULTURE announces a public hearing for 8/21/96 at 10:00 a.m. at the Agricultural Bldg. on the State Fairgrounds in Springfield for the following 8 rulemakings that were proposed in the 7/12/96 *Illinois Register*: "Animal Diagnostic Laboratory Act" (8 Ill Adm Code 110), "Bovine Brucellosis" (8 Ill Adm Code 75), "Diseased Animals" (8 Ill Adm Code 85), "Equine Infectious Anemia Control" (8 Ill Adm Code 116), "Illinois Pseudorabies Control Act" (8 Ill Adm Code 115), "Livestock Auction Markets" (8 Ill Adm Code 40), "Livestock Dealer Licensing" (68 Ill Adm Code 610), and "Swine Disease Control and Eradication Act" (8 Ill Adm Code 105).

Questions/requests for copies: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL. 62794-9281, 217/785-5713, FAX 217/785-4505. In order for mailed comments to be available for consideration at the hearing, DOA requests that they be mailed by 8/15/96.

New Regulations

corporations affected by this rulemaking include those that practice before the Commission.

Questions/requests for copies: Conrad Rubinkowski, ICC, 527 E. Capitol Ave., Springfield IL 62794-9280, 217/785-8439.

HMO'S

The DEPARTMENT OF INSURANCE adopted amendments to "Health Maintenance Organization" (50 Ill Adm Code 6101), effective 7/25/96, to add a definition for "Managed Care Organization" (MCO) that includes physician hospital organizations and individual practice associations. "Point of Service Plan" is also defined, and a new section details HMO and indemnity filing requirements for such plans. General Provisions are amended to require compliance with the Human Rights Act rather than the Fair Employment Practices Act. Grievance procedures are amended concerning voting procedures and coverage termination. Text pertaining to certificates of authority is repealed and replaced with procedures for valuing investments. Sections specifying reporting requirements and approval processes for contracts, arrangements, material modifications, HMO extensions, rate filings, subordinated indebtedness agreements, solicitation materials, and other documents are also clarified. For deductions and copayments, the current cap equal to 150% of the enrollee's premium is changed to a \$1500 per enrollee or

\$3000 per family annual cap. Numerous substantive changes have been made in this rulemaking since its proposal, including deleting the proposed definition of emergency; changing the section specifying reporting requirements to apply to all capitated provider agreements in which the provider furnishes, arranges or provides for health care services to greater than or equal to 10% (previously 5%) of the HMO's current enrollment; and allowing 45 (rather than 30) days after the end of each fiscal period for submission of quarterly financial statements and 90 days (rather than 30) after the end of the fiscal year for submission of annual financial statements. The Department may also require submission by the HMO of statements received from the providers. Point-of-Service plan filings must now include reasonable financial incentives for members to utilize HMO services, and HMO's are no longer required to furnish claims information regarding out-of-network inpatient or outpatient encounters to the patient's primary care physician. HMO's are also no longer required to monitor out-of-network usage, nor to investigate practices of physicians whose enrolled members utilize higher levels of care. Also, POS enrollees have the right to convert to an HMO or an indemnity option.

Questions/requests for copies: Mary Peterson (for compliance questions) at 217/782-6369, Jeff Martin (for financial questions) at 217/782-1798, DOI, 320 W. Washington, Springfield

IL 62767.

COMMUNITY CARE PROGRAM

The DEPARTMENT ON AGING adopted amendments to "Community Care Program" (89 Ill Adm Code 240), effective 8/1/96, in order to provide alternative criteria applicable to assets of applicants/clients of the Community Care Programs (CCP). An identical emergency rulemaking became effective 3/22/96. The rulemaking, as adopted, adds the following 4 additional criteria for CCP eligibility of a married applicant/client: the spouse is in a nursing home, the spouse does not reside on a permanent basis with the applicant/client, the spouse is potentially abusing the applicant/client, or the spouse is abandoned. The criterion concerning abandonment has been added since the rulemaking was proposed. Rule criteria concerning spouses before this rulemaking was adopted included only a spouse receiving CCP services. Other changes in this rulemaking since its proposal include adding specific information on asset disregard and spousal impoverishment spend-down provisions. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing the services of case coordination units.

Questions/requests for copies: Pamela W. Balmer, DoA, 421 E. Capitol Ave., #100, Springfield IL 62701-1789, 217/785-3346.

Proposed Regulations

Lands" (17 Ill Adm Code 4190) to control such resources on public lands in order to protect and preserve scientific and cultural information, artifacts, and materials. "Public lands" includes land owned by a municipality or unit of local government in addition to State of Illinois land. Topics covered include required permits, financial responsibility, required reports, hearings and appeals, prohibited acts,

penalties, the Illinois Inventory of Archaeological and Paleontological Sites, certification of professional archaeologists and paleontologists who meet specified standards, the Illinois Professional Archaeologists' Code of Ethics, and minimum standards of research performance. Small municipalities affected by this rulemaking include those containing archaeological or paleontological re-

sources.

Questions/requests for copies/comments until 9/23/96: William Wheller, IHPA, 500 E. Madison St., Springfield, IL 62701, 217/785-9045.

OFFICIAL DNR VENDORS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13317 - AUGUST 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

48.02
-16x

The Flinn Report

DOC

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

August 16, 1996

Issue 33

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

AUG 30 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

HUNTING AND TRAPPING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments, effective 8/5/96, to "White-Tailed Deer Hunting Season by Use of Handguns" (17 Ill Adm Code 680), "Squirrel Hunting" (17 Ill Adm Code 690), "Dove Hunting" (17 Ill Adm Code 730), and "Crow, Woodcock, Snipe, Rail and Teal Hunting" (17 Ill Adm Code 740). Part 680 amendments change the statewide season to "one-half hour before sunrise on the first Friday after January 11 to sunset on the following Sunday". Parts 690, 730 and 740 change the name of Pike County Conservation Area to Ray Norbut State Fish and Wildlife Area. Part 690 amendments also add Ferne Clyffe Hunting Area - Cedar Draper Bluffs Hunting Area to the squirrel hunting sites where statewide regulations apply; correct the boundary of the hunting area at Marseilles Fish and Wildlife Area to permit hunting west of E2450 Road only; change the closing date for Witkowsky State Wildlife Area from 10/31 to 9/30; and establish season dates at Ferne Clyffe State Park - Ferne Clyffe Hunting Area to start the day following Labor Day to the end of the statewide season. Parts 730 and 740 amendments require

licensed hunters to register in the Migratory Bird Harvest Information Program. Part 730 also changes Railsplitter State Park to Edward R. Madigan State Fish and Wildlife Area; provides for split dove season; clarifies shot requirements for the youth and youth/adult dove hunts and the November portion of the dove season; sets dove hunting hours at all sites that are open during the upland game season to coincide with hours for cock pheasant, Hungarian partridge, bob-white quail, crow, and rabbit hunting at the respective sites; closes dove hunting season on 10/14 at certain specified sites; and changes hunters' hours at various sites participating in the dove harvest research project. Part 740 amendments also open an additional area at the Union County Conservation Area and close woodcock hunting at Kickapoo State Park during firearm deer season. Small businesses affected by these rulemakings include those that conduct hunting and trapping for commercial purposes and related businesses such as taxidermists.

DNR also adopted amendments, effective 8/5/96, for the following 3 Parts: "Raccoon, Opossum, Striped
(cont'd next page)

MOVING COMPANIES

The ILLINOIS COMMERCE COMMISSION proposed a new Part entitled "Resolution of Household Goods Disputes" (92 Ill Adm Code 1456) to establish a resolution process to settle disputes between household goods carriers and their customers, with the ICC acting as mediator. Topics covered include definitions, mediation, arbitration, and arbitration fees. Small businesses affected by this rulemaking include household goods carriers.

Questions/requests for copies/comments until 9/30/96: Kathy Campbell, ICC, 527 E. Capitol Ave., Springfield IL 62706, 217/785-1018.

WATER STANDARDS

The POLLUTION CONTROL BOARD proposed amendments to "Effluent Standards" (35 Ill Adm Code 304) to repeal the current exception for ammonia nitrogen water quality violations and propose a new one. This is a companion rulemaking to proposed amendments published in last week's Illinois Register for 35 Ill Adm Code 302. Small businesses and small municipalities affected by this rulemaking include local governments operating sewage treatment works and National Pollutant Discharge Elimination System permittees that discharge ammonia into waterbodies.

(cont'd page 4)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

New Regulations

Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting" (17 Ill Adm Code 550), "The Taking of Wild Turkeys - Fall Archery Season" (17 Ill Adm Code 720), and the "Taking of Wild Turkeys - Fall Gun Season" (17 Ill Adm Code 715). Part 550 amendments lengthen hunting seasons in the northern and southern zones and add Ferne Clyffe State Park - Cedar Draper Bluff Hunting Area and Witkowsky State Wildlife Area to the list of sites where statewide regulations apply. Hunting for fox, coyote, and skunk is expanded at Sangchris Lake State Park. All 3 Parts change the name of the Pike County Conservation Area to the Ray Norbut State Fish and Wildlife Area. In addition, Part 720 and 715 amendments open various new counties and new sites to turkey hunting, and Part 715 requires hunters to apply for a site-specific permit for Site M. Also, Part 720 removes Green River State Wildlife Area from the list of sites where statewide regulations apply.

Questions/requests for copies of the 7 Parts above: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

VEHICLE CODE

The SECRETARY OF STATE adopted amendments, effective 8/1/96, for "Certificates of Title, Registration of Vehicles" (92 Ill Adm Code 1010) and "Dealers, Wreckers, Transporters and Rebuilders" (92 Ill Adm Code 1020). Part 1010 adds the collegiate license plate program for vehicle license plates with Illinois college and university logos. Topics covered include design approval, school participation, applications, and fees. Only first division vehicles and second division vehicles weighing 8,000 pounds or less are eligible for the new collegiate plates. Part 1020 adds a section specifying the records required when dash assemblies with vehicle identification number plates are removed. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include buyers and sellers

of recovered stolen or rebuilt vehicles, rebuilders and vehicle and vehicle parts dealers.

Questions/requests for copies of the 2 rulemakings above: Carol Sudman for Part 1010 and Robert E. Powers for Part 1020, Office of the SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094.

SPECIAL EDUCATION

The STATE BOARD OF EDUCATION adopted amendments to "Special Education" (23 Ill Adm Code 226), effective 8/5/96, to implement provisions in Public Acts 87-995, 89-397 and 89-425. A definition of "qualified bilingual specialists" is added, and a new section specifies their qualifications. The rulemaking requires that a child's individualized education program (IEP) be linguistically and culturally appropriate and that the local school district provide an interpreter for deaf parents or non-English speaking parents, if necessary, during IEP conferences. References to the Advisory Council on Education of Handicapped Children are changed to Advisory Council on Education of Children with Disabilities and adding individual educational requirement (IER) provisions pertaining to home-based support services for mentally disabled adults and the language or modes of communication in which special education and related services will be provided, if other than or in addition to English, are added. The rulemaking also replaces references to handicaps with references to disabilities.

Questions/requests for copies: Jack Shook, ISBE, 100 N. 1st, Springfield IL 62777-0001, 217/782-5589.

NURSING HOMES

The DEPARTMENT OF PUBLIC AID adopted an amendment to "Developmental Disabilities Service" (89 Ill Adm Code 144), effective 8/1/96. A new section adds a facility-initiated appeal process of resident assessments

conducted by the inspection of care (IOC) team in facilities for persons with developmental disabilities (ICF/MR). The three-step process includes an exit conference discussion between the facility and the IOC team, informal review involving the Department of Public Health, and a formal review by the Department of Mental Health and Developmental Disabilities. Because IOC data is used in reimbursement calculations, the appeal process may affect facility rates. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing ICF/MR facilities.

DPA also adopted an amendment for "Medical Payment" (89 Ill Adm Code 140), effective 8/1/96, to delete a paragraph specifying that salary expenses during nurse's aide clinical training would be reimbursed differently if the training took place in the facility of employment. The Department states that this distinction is obsolete under current practice. The rulemaking also clarifies that basic nursing assistant, developmental disabilities aide, basic child care aide, and habilitation aide are all included in the training reimbursement program. References to competency testing are changed to evaluations throughout the rulemaking. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing long-term care facilities.

Questions/requests for copies of the 2 rulemakings above: Joanne Jones, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

FIDUCIARIES

The STATE BANKING BOARD OF ILLINOIS adopted an amendment to "Hearings for Removal of Directors, Officers, Employees or Agents of a State Bank or Corporate Fiduciary" (38 Ill Adm Code 900), effective 8/1/96, to clarify that such removal hearings apply to corporate fiduciaries as well as State banks.

Proposed Regulations

explains how to calculate city size within a standard metropolitan statistical area. The effect of this change is that a new exemption from paying overtime to these specific employee categories would apply only to radio and television station employees in small com-

munities. The rulemaking also adds a new section that allows an informal investigative conference to be continued upon approval of both parties and DOL. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate

radio or television stations and any party involved in DOL informal investigative conferences.

Questions/requests for copies: Scott D. Miller at the DOL address above, 312/793-1805.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 9/17/96 JCAR meeting.

DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 6/21/96 (20 Ill Reg 8271)

DEPARTMENT OF PUBLIC AID

"Aid to Families with Dependent Children" (89 Ill Adm Code 112) proposed 4/26/96 (20 Ill Reg 5965)

ILLINOIS COMMERCE COMMISSION

"Telephone Assistance Programs" (83 Ill Adm Code 757) proposed 6/14/96 (20 Ill Reg 7708)

DEPARTMENT OF NUCLEAR SAFETY

"Access to Facilities for Treatment, Storage, or Disposal of Low Level Radioactive Waste" (32 Ill Adm Code 609) proposed 10/27/95 (19 Ill Reg 14930)

JCAR Newsletter Subscription

The Joint Committee on Administrative Rules is updating its newsletter mailing list for "Illinois Regulation" in order to delete duplicate or obsolete subscriptions. Please indicate below whether you wish to continue receiving the newsletter, and attach your current mailing label. Please make any address or name changes directly on the mailing label. Your prompt response before September 1, 1996, is necessary for continued receipt of "Illinois Regulation".

-----Continue my subscription

-----Discontinue my subscription

-----Continue my subscription as modified on label

Attach label here

Return form to Joint Committee on Administrative Rules,
700 Stratton Office Bldg., Springfield, Illinois 62706

New Regulations

and renewed upon each license renewal. The emergency rulemaking applies to facilities established after 6/15/84, but the proposed rulemaking does not make that distinction. Small

businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate day care centers serving infants or toddlers.

Questions/requests for copies/comments concerning the proposed rulemaking until 9/30/96: Jacqueline Nottingham, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, 217/524-3715.

Proposed Regulations

Questions/requests for copies/comments until 9/30/96: Dorothy Gunn, Clerk, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931 or Diane O'Neill at the same address, 312/814-6062. Comments should reference Docket R94-1(B).

PUBLIC AID

The DEPARTMENT OF PUBLIC AID proposed amendments for "Aid to Families with Dependent Children" (89 Ill Adm Code 112) and "Demonstration Programs" (89 Ill Adm Code 170) to implement a pilot program that requires certain AFDC recipients to obtain alcohol and substance abuse treatment as a condition of eligibility for benefits. The Department states that implementation of this pilot program is dependent upon receipt of a required federal waiver. AFDC-R clients (based on death, absence, or incapacity of a parent) and AFDC-U clients (based on unemployment of a parent) who are mandated to be in Public Aid's JOBS program and who are identified as having an alcohol or substance abuse problem must participate in the pilot program in designated pilot areas unless they are employed 30 hrs./wk. or more. DPA states that the pilot areas may be Winnebago and Peoria counties and Kenwood, Oakland, and Pershing district offices in Chicago. Three sanction levels for failure to participate are specified. Small businesses and not-for-

profit corporations affected by this rulemaking include those that operate alcohol or substance abuse treatment programs for the clients identified above.

Questions/requests for copies/comments concerning the 2 rulemakings above until 9/30/96: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

MOTOR CARRIER SAFETY

The DEPARTMENT OF TRANSPORTATION proposed amendments for the following 7 Parts to reflect changes in federal regulations that were adopted between October 1994 and October 1995 and also in early 1996: "Driving and Parking" (92 Ill Adm Code 397), "Driving of Motor Vehicles" (92 Ill Adm Code 392), "Hours of Service of Drivers" (92 Ill Adm Code 395), "Inspection, Repair and Maintenance" (92 Ill Adm Code 396), "Motor Carrier Safety Regulations: General" (92 Ill Adm Code 390), "Parts and Accessories Necessary for Safe Operation" (92 Ill Adm Code 393) and "Qualification of Drivers" (92 Ill Adm Code 391). Changes include updating the definition of "commercial motor vehicle inspection" to base driver-only inspections on the 1996 rather than the 1993 edition of the Commercial Vehicle Safety Alliance Operations Manual and amending alcohol and drug testing rules. Also, Part 395 amendments change the regulatory exempt period for agricultural movements from 2/15 through 6/30 to 2/1 through 11/30. Additionally,

the Department states that updating the definition of "hours of service of drivers" in Part 395 impacts upon transportation of agricultural commodities, farm supplies, ground water drilling rigs, and construction materials and equipment and impacts upon operation of utility service vehicles. Small businesses, small municipalities, and not-for-profit corporations affected by these 7 rulemakings include those that own or operate commercial motor vehicles in Illinois.

Questions/requests for copies/comments concerning the 7 rulemakings above until 9/30/96: Cathy Allen, DOT, Division of Traffic Safety, PO Box 19212, Springfield IL 62794-9212, 217/785-1181.

MINIMUM WAGE PUBLIC HEARING

The DEPARTMENT OF LABOR announces a public hearing for proposed amendments to rules entitled "Minimum Wage Law" (56 Ill Adm Code 210) that were published in the 8/2/96 issue of the Illinois Register. The hearing is scheduled for 9/17/96 at 10:00 a.m., DOL, 160 N. LaSalle, Ste. C-1300, Chicago IL 60601. The amendments define "radio or television announcer, news editor or chief engineer" as employees at a radio or television station with its major studio located in a town or city of 100,000 population or less. The definition further

New Regulations

Questions/requests for copies: John D. Arthur at the OB&RE address below.

BANKS AND TRUSTS

The OFFICE OF BANKS AND REAL ESTATE adopted amendments to "Corporate Fiduciary Subsidiaries" (38 Ill Adm Code 396), effective 8/1/96, to change the Part title "Corporate Fiduciary Applications and Notices" and add 2 new subparts. A corporate fiduciary that is a trust company must meet specified standards leading to the Commissioner's approval of its application to establish a branch office. Also, a corporate fiduciary that is a bank, savings and loan association, or savings bank must give timely notice to the Commissioner of its intent to establish a branch office by submitting specified information in a notice of intent. Changes in this rulemaking since its proposal include modification to further describe (1) items a trust company must demonstrate when applying to establish a branch office, and (2) the supporting documentation to be included with a completed notice form.

BANKING

The OFFICE OF BANKS AND REAL ESTATE repealed "Electronic Fund Transfers" (38 Ill Adm Code 310) and adopted a new Part 315 of the same name, effective 8/1/96. The new Part retains current rules concerning arbitration of disputes, and the Commissioner's examination of any network or switch involving a financial institution that has established a terminal in Illinois is made permissive rather than mandatory. Certain regulations concerning automatic teller machines, point of sale terminals, consumer protection, funds transfer corporations and transmission facilities, proprietary networks and similar facilities, and interstate sharing agreements are not retained in the new Part. Changes in the adopted rulemaking since its proposal include the addition of an Agency Note to provide historical context for the rule and to clarify

provisions relating to fees charged for examination of networks and switches.

Questions/requests for copies of the 4 rulemakings above: John D. Arthur, OB&RE, 500 E. Monroe, Ste. 900, Springfield IL 62701, 217/782-3000.

PAY PLAN

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted an amendment for "Pay Plan" (80 Ill Adm Code 310), effective 8/5/96, to change the special services payment rate for apiary inspectors from \$32-\$50 daily to \$8.28-\$10.15 hourly.

Questions/requests for copies: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

POLLUTION

The POLLUTION CONTROL BOARD adopted a new Part entitled "Standards for Universal Waste Management" (35 Ill Adm Code 733), effective 8/1/96, as well as amendments, effective the same date, to "Hazardous Waste Management System: General" (35 Ill Adm Code 720), "Identification and Listing of Hazardous Waste" (35 Ill Adm Code 721), "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" (35 Ill Adm Code 725), "Land Disposal Restrictions" (35 Ill Adm Code 728), "RCRA and UIC Permit Programs" (35 Ill Adm Code 702), "RCRA Permit Program" (35 Ill Adm Code 703), "Standards Applicable to Generators of Hazardous Waste" (35 Ill Adm Code 722), "Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" (35 Ill Adm Code 724), and "Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities" (35 Ill Adm Code 726). These adopted amendments and new Part 733 correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the period 1/1/95 through 11/13/95. Part 733,

which contains the new universal waste regulations, tends to lessen the burden of compliance by providing an alternative set of rules that apply in lieu of the more burdensome generally-applicable hazardous waste management standards, according to PCB. Part 733 corresponds to 40 CFR 273 and governs certain high-volume hazardous wastes that are being collected for recycling or disposal and applies to batteries, pesticides and thermostats. It provides an alternative set of management standards in lieu of regulations in 35 Ill Adm Code 702 through 705, 720 through 728, and 733. Changes in Part 733 since its proposal include clarifying that the Part applies to mercury thermostats; deleting the requirement of notification of universal waste management to USEPA; correcting agency address and phone number; and clarifying that USEPA may either authorize Illinois universal waste regulations or authorize the Board to add new categories of universal waste. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those that generate, transport, treat, store, or dispose of hazardous waste.

Questions/requests for copies of the 10 rulemakings above: Michael J. McCambridge, 312/814-6924, at the PCB address below. Requests for copies of the Board's Docket R95-20, Victoria Agyeman, 312/814-3620.

DAY CARE CENTERS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted emergency amendments for "Licensing Standards for Day Care Centers" (89 Ill Adm Code 407), effective 8/1/96, for a maximum of 150 days. A similar proposed rulemaking appears in this issue of the *Illinois Register*. The amendments create an exception to the current requirement that infants and toddlers be housed and cared for at ground level. The exception must be granted by the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Bureau

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13383- AUGUST 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

**Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254**

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

August 23, 1996

Issue 34

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

SEP 09 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

REPATRIATE PROGRAM

The DEPARTMENT OF PUBLIC AID adopted an amendment for "Refugee/Entrant/Repatriate Program" (89 Ill Adm Code 115), effective 8/9/96, to add "war" and "invasion" and delete "insanity" from the list of reasons that may necessitate the U.S. State Department's removal of eligible needy U.S. citizens and their dependents from a foreign country. Also, a "child or children only" category is added to the types of cases eligible for program assistance.

Questions/requests for copies: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

EXPEDITED CORRECTION

The ILLINOIS COMMERCE COMMISSION adopted an expedited correction for amendments to "Telecommunications Access for Persons with Disabilities" (83 Ill Adm Code 755), effective 1/1/96. When these rules were amended in January, 2 exhibits were labeled "N". This correction deletes a repealed Exhibit N from the Table of Contents and retains the renumbered Exhibit N.

Questions/requests for copies: Conrad Rubinkowski, ICC, 527 E. Capitol Ave., Springfield IL 62794-9280, 217/785-3922.

Proposed Regulations

AFDC/MEDICAL ASSISTANCE

The DEPARTMENT OF PUBLIC AID proposed amendments to "Aid to Families with Dependent Children" (89 Ill Adm Code 112) and "Medical Assistance Programs" (89 Ill Adm Code 120). Part 112 provides an extension of medical assistance for refugee cases when a cash case is terminated due to new or increased earnings from employment or when a medical assistance only case would be placed in spend-down status due to new or increased earnings from employment. The extension shall last 4 months or to the end of the eligibility period for refugee assistance, whichever is less. Proposed amendments to Part 120 pertain to those circumstances under which the Community Spouse Assessment Allowance (CSAA) may exceed the federally-established standard annual figure. Criteria is established to determine the amount (if any) over the CSAA maximum of \$76,740 that a resident in a nursing facility may transfer to a community spouse without affecting Medicaid eligibility. Also, a hearing is required to be held within 30 days after filing of an appeal.

Questions/requests for copies/comments until 10/7/96: Judy Umunna at the DPA address above.

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

†: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of Illinois Regulation or the Illinois Register will expedite the process.

(cont'd next page)

Proposed Regulations

POLLUTION

The ILLINOIS POLLUTION CONTROL BOARD proposed amending "Toxic Air Contaminants" (35 Ill Adm Code 232). A proposed new Subpart entitled "Source Identification Requirements" details reporting requirements for Illinois Toxic Air Contaminants (ITACs). Sources that manufacture, process or import more than 25,000 pounds per year of any individual ITAC, or that otherwise use more than 10,000 pounds per year of any individual ITAC, must submit an initial report detailing the source's total emissions of ITACs, subject to certain de minimis exceptions, and must submit updates to the initial report if the source's emissions of any ITAC increase more than 10% in any given year. The proposed reporting requirements generally track federal reporting requirements, and the reporting scheme is designed to gather data on the emissions of substances that are not of federal concern to determine whether there are environmental or health risks from these substances in Illinois. Commercial fuel, Fugitive emissions, Illinois Toxic Air Contaminant, ITAC Source Report, Manufacture, Other-wise use, Process and Toxic air contaminant are defined. Proposed new topics include purpose, applicability, ITAC source report, emissions report certification, failure to receive an ITAC source report, emissions report,

use of available data, retention of records, and reporting of errors. A new Section entitled "Listing of Federal Hazardous Air Pollutants, Great Lakes Commission Toxic Compounds and Great Waters Program Toxic Compounds" is also added. Small businesses affected by this rulemaking include those that manufacture, process or import more than 25,000 pounds/year of any individual ITAC, or that otherwise use more than 10,000 pounds/year of any individual ITAC.

Questions/requests for copies/comments until 10/7/96: Dorothy Gunn, Clerk, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601 or Laurel L. Kroack, IEPA, Bureau of Air, P.O. Box 19276, Springfield IL 62794-9276. Comments should reference Docket R96-4.

INSURANCE

The DEPARTMENT OF INSURANCE proposes repealing "Extension of Service to Additional Counties" (50 Ill Adm Code 5602) because Public Act 86-600 repealed the Medical Service Plan Act which was previously implemented by this Part.

Questions/requests for copies/comments until 10/7/96: DOI, 320 W. Washington, Springfield IL 62767, Denise Fuchs at 217/785-8550 or Mary Meyer at 217/785-8220.

CARNIVALS AND AMUSEMENT

The CARNIVAL-AMUSEMENT SAFETY BOARD proposed amendments to "Carnival and Amusement Ride Inspection Law" (56 Ill Adm Code 6000). Proposed amendments subject publicly accessible amusement rides or attractions to the same safety requirements applicable to traditional carnivals and fairs. Owners/operators are allowed 45, rather than 30, days in which to pay fees before incurring penalties. Also, electrical equipment must now comply with the 1996 National Electrical Code. Small businesses, municipalities and not-for-profit corporations affected by this rulemaking include those that own/operate publicly accessible carnival rides and amusement attractions. Owners/operators not in compliance with the 1996 edition of the National Electrical Code will also be affected.

Questions/requests for copies/comments until 10/7/96: Carl Kimble, Carnival & Amusement Ride Division, DOL, #1 W. Old State Capitol Plaza, Rm. 300, Springfield IL 62701, 217/782-9347. A public hearing will be held on this proposed rulemaking at 10:00 a.m. on Tuesday, 10/1/96 at the State of Illinois Building, 160 N. LaSalle St., 5th Fl., Chicago IL. Oral testimony will be limited to 10 minutes per person. Written comments may be submitted at the public hearing or until 10/15/96.

JCAR Meeting Agenda

No rulemakings were moved to second notice this week.

JCAR Meeting Action

At its August 20, 1996 meeting, the Joint Committee on Administrative Rules voted 4 Objections and 1 Recommendation as follows:

DEPARTMENT OF LABOR

JCAR objects to 3 Sections of the rule entitled "Personnel Records Review Act" (56 Ill Adm Code 355) because the definition of "employee" in Section 355.120 is unduly economically burdensome to some employers by defining the term differently than other State laws and creates a test for independent contractor status that differs from those tests commonly used in other State laws or by other State agencies; Section 355.350 incorrectly reflects Section 10(c) of the Act by creating "trade secrets" and "public welfare" elements to the employer's staff planning exception in Section 10(c) of the Act; and the length of coverage provisions in Section 355.140 of the rulemaking are too broad and contrary to Section 1(b) of the Act.

DEPARTMENT OF NATURAL RESOURCES

The Committee objects to "Bonding and Insurance Requirements for Surface Coal Mining and Reclamation

Operations" (62 Ill Adm Code 1800) because the definition of "Generally Accepted Accounting Principles" in this rulemaking does not conform with State statute requiring consistency with federal law.

DEPARTMENT OF PUBLIC AID

JCAR objects to the emergency rulemaking entitled "Hospital Services" (89 Ill Adm Code 148) because it inappropriately removes from existing rule the language concerning outlier adjustments for organ transplants. The outlier adjustments are, in fact, federally mandated, and DPA has not demonstrated that the status of the federal mandate has changed. Additionally, DPA has stated that PA 89-499 allows the Department to use emergency rulemaking procedures when implementing FY 97 budget initiatives. However, PA 89-499 authorizes the use of emergency rulemaking for budget reduction initiatives, not for those initiatives that increase or maintain reimbursement levels. Section 5-45 of the Illinois Administrative Procedure Act requires

DPA to set out its reasons for using emergency rulemaking in writing. DPA's espoused basis for using emergency rulemaking is inaccurate, in contravention of the Section 5-45 requirements in the IAPA.

JCAR also objects to the emergency rulemaking entitled "Related Program Provisions" (89 Ill Adm Code 117) because it inappropriately increases the burial amount to \$325 and funeral maximum amount for adults and children 5 or older to \$650. These 2 increases contravene statutory language in the Public Aid Code at 305 ILCS 5/12-4.11 that specifically limits these amounts to \$315 and \$630.

In addition, the Committee recommends that the Department pursue legislative action this fall to amend the Public Aid Code at 305 ILCS 5/12-4.11 to increase the statutorily-imposed limitations on reimbursement for funeral and burial expenses before the Department increases the maximum amounts in rule.

JCAR Newsletter Subscription

The Joint Committee on Administrative Rules is updating its newsletter mailing list for "Illinois Regulation" in order to delete duplicate or obsolete subscriptions. Please indicate below whether you wish to continue receiving the newsletter, and attach your current mailing label. Please make any address or name changes directly on the mailing label. Your prompt response before September 1, 1996, is necessary for continued receipt of "Illinois Regulation".

-----Continue my subscription

-----Discontinue my subscription

Attach label here

-----Continue my subscription as modified on label

Return form to Joint Committee on Administrative Rules,
700 Stratton Office Bldg., Springfield, Illinois 62706

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13418 - AUGUST 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

18.02
16x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

August 30, 1996

Issue 35

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

SEP 20 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

IMMUNIZATIONS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments, effective 8/15/96, to "Child Health Examination Code" (77 Ill Adm Code 665) and "Immunization Code" (77 Ill Adm Code 695). Both Parts specify that "school" includes nursery schools, pre-school programs, early childhood programs, Head Start, or other pre-kindergarten child care programs offered by any public, private/independent, or parochial school or school district. The rulemakings also clarify the required content of objections to health screenings, exams, and immunizations on religious grounds and specify that the local school authority is responsible for determining whether a religious objection is valid. Part 665 also adds mumps, Haemophilus influenza type b, and hepatitis B to the list of immunizations that a child must have before entering school. Part 695 adds hepatitis B to the list of basic immunizations and prescribes the required schedule. Also, the mumps, measles, and polio immunization schedules are amended. Changes in these rulemakings since their proposal include deleting "early intervention programs serving children at home"

from the definition of "school" and adding a requirement that children entering the 5th grade for the first time after July 1997 show evidence of having received 3 doses of hepatitis B vaccine at specified intervals. Laboratory evidence proving prior or current hepatitis B infection may be substituted for proof of vaccination. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those providing immunization services and public, private/independent or parochial schools or school districts operating nursery schools, pre-school programs, Head Start, or other pre-kindergarten child care programs.

Questions/requests for copies of the 2 rulemakings above: Gail M. DeVito at the DPH address below.

MEAT AND POULTRY

The DEPARTMENT OF AGRICULTURE adopted an amendment to rules entitled "Meat and Poultry Inspection Act" (8 Ill Adm Code 125), effective 9/1/96, to increase fees for overtime and holiday inspection services and to include associated travel time in the hourly overtime charge calculation.

(cont'd next page)

EMERGENCY MEDICAL SERVICES

The DEPARTMENT OF PUBLIC HEALTH proposed extensive new text for "Emergency Medical Services and Trauma Center Code" (77 Ill Adm Code 515) and proposed repeal of the following 3 Parts: "Emergency Medical Services Code" (77 Ill Adm Code 535), "Illinois Trauma Center Code" (77 Ill Adm Code 540), and "Trauma Nurse Specialist Course Code" (77 Ill Adm Code 542). In response to Public Act 88-177, the Department established emergency medical service (EMS) regions through emergency rulemaking in September 1995 and followed with permanent adopted rules in February 1996. The 4 rulemakings above implement the remainder of PA 88-177. Topics covered include definitions, waivers, hearings and fines, EMS regional plans, EMS standards and approved operating procedures, emergency medical technician training and licensure, and requirements for other personnel such as lead instructors, medical dispatchers, and nurses. Part 515 amendments also cover vehicle service provider licensing, the trauma center designation process, EMS Assistance Fund administration, and various appendices pertaining to requirements throughout the Part. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those that employ prehospital care providers or own or operate hospitals, ambulance companies or volunteer rescue units.

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/RULE TEXT/COMMENTS: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

The current daily and weekend \$15/hr. overtime rate and \$10/hr. holiday rate are changed to \$25/hr. for both holiday and non-holiday overtime. The fee for special services such as voluntary inspections is increased from \$15/hr. to \$25. Small businesses affected by this rulemaking include meat and poultry processors or slaughterers.

Questions/requests for copies: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

FOOD STAMPS

The DEPARTMENT OF PUBLIC AID adopted amendments to "Food Stamps" (89 Ill Adm Code 121), effective 8/14/96, concerning the penalty period for intentionally violating program provisions. For a current participant, food stamp disqualification would begin no later than the second fiscal month (currently 1st) after the month of the decision. For a nonparticipant, disqualification would begin the month after the decision month. Previous rule provided that a nonparticipant's disqualification is postponed until the individual is again eligible for food stamps, but DPA states that a federal court has ruled against such postponement of penalties. This rulemaking also caps the time worked for food stamp benefits at 26 hours in the Earnfare program. Small businesses,

small municipalities, and not-for-profit corporations affected by this rulemaking include Earnfare employers.

Questions/requests for copies: Judy Umunna, Bureau of Rules and Regulations, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

CODIFICATION CHANGE

The OFFICE OF BANKS AND REAL ESTATE announced a codification change in "Professions and Occupations" (Title 68) including "Land Sales Registration Act of 1989" (68 Ill Adm Code 1260), "Real Estate License Act of 1983" (68 Ill Adm Code 1450) and "Real Estate Appraiser Certification" (68 Ill Adm Code 1455). This codification change implements an executive order and Public Act 89-508, which merged the Office of the Commissioner of Savings and Residential Finance and the Commissioner of Banks and Trust Companies on 6/1/96 to form the Office of Banks and Real Estate (OBRE). According to OBRE, only changes relating to headings, agency name, and other non-substantive changes are being made.

Questions/requests for copies: John Arthur, OBRE, 500 E. Monroe, Ste. 900, Springfield IL 62701, 217/782-6181.

VOCATIONAL REHABILITATION

The DEPARTMENT OF REHABILITATION SERVICES adopted emergency amendments to "Assessment for Determining Eligibility and Rehabilitation Needs" (89 Ill Adm Code 553), effective 8/16/96, for a maximum of 150 days. A similar proposed rulemaking appears in this issue of the *Illinois Register*. The rulemakings add references to the "Order of Selection" process that determines an individual's priority to receive services and specify that this prioritization process applies to an individual seeking eligibility for vocational rehabilitation programs. (See the 8/2/96 *Flinn Report* or *Illinois Register* for emergency and proposed rulemakings that amend the order-of-selection process.) Additionally, the rulemakings require an individual to have at least 2 (rather than one or more) limited functional capacities in order to be classified as having a severe disability.

Questions/requests for copies/comments concerning the proposed rulemaking until 10/15/96: Susan Warrner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

Proposed Regulations

Questions/requests for copies/comments concerning the 4 rulemakings above until 10/15/96: Gail M. DeVito, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187.

SCHOLARSHIP GRANTS

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amendments to rules entitled "Administration of the Illinois Public Community College Act" (23 Ill Adm Code 1501) to establish the Lincoln's Challenge Scholarship Grants program for a maximum reimburse-

ment of \$1,000/semester to eligible students for cost of tuition, books, fees and educational supplies required toward completion of a degree or certificate program. The program is open to community college enrollees who have completed the Lincoln's Challenge program through the Illinois Department of Military Affairs. Topics covered include eligibility criteria, application procedures, and academic and documentation requirements. The number of scholarships awarded each year will depend upon the amount of funds appropriated, and the availability

of scholarships cannot be guaranteed.

Questions/requests for copies/comments until 10/15/96: Jill O'Shea, ICCB, 509 S. 6th, Ste. 400, Springfield IL 62701-1874, 217/785-0213.

TOURISM

The DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS proposed amendments to "Local Tourism and Convention Bureau Program" (14 Ill Adm Code 550) to delete the 15-days-prior-submission requirement for

Proposed Regulations

implementation of proposed projects and the requirement that "Performance Measurement Summaries" be submitted with the quarterly reports. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those related to the travel industry.

Questions/requests for copies/comments until 10/15/96: Janice D. Kemmerling, Illinois Bureau of Tourism, DCCA, 620 E. Adams St., Springfield IL 62701, 217/785-6355, TDD 217/785-6055.

LANDFILLS

The POLLUTION CONTROL BOARD proposed amendments to "Requirements for New Steel and Foundry Industry Wastes Landfills" (35 Ill Adm Code 817) to exempt qualifying landfills from the minimum setback distance and strata thickness required between the waste unit and Class I and Class III groundwaters. To qualify for this exemption, the owner/operator must satisfactorily demonstrate that the unit can be operated in a manner protective of human health and the environment. Demonstration standards, factors to be used in determining potability of groundwater, and requirements for groundwater modeling are included.

Questions/request for copies: Audrey Lozuk-Lawless, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 815/753-0947 or 312/814-6923. Comments until 10/15/96: Dorothy M. Gunn, Clerk, PCB at the address above. Comments should reference Docket R96-3.

BOATING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to "Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030) to add the portion of the Mississippi River known as Savanna Slough in Region 1 to the list of areas designated as "Slow, No Wake".

WATERCRAFT FOR HIRE

DNR also proposed a new Part entitled "Operation of Watercraft Carrying Passengers for Hire on Illinois Waters" (17 Ill Adm Code 2080) to establish rules governing boats carrying passengers for hire. Topics covered include definitions, applicability, dry dock and dockside inspections, exemptions, licensing requirements, certification, license or certificate misuse, and suspension or revocation of certificates and licenses. Small businesses affected by this rulemaking include those operating watercraft carrying passengers for hire.

Questions/requests for copies/comments concerning the 2 rulemakings above until 10/15/96: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID proposed amendments for "Food Stamps" (89 Ill Adm Code 121) and "Related Program Provisions" (89 Ill Adm Code 117) to provide that in areas where DPA establishes an electronic benefits transfer (EBT) system, cash assistance and food stamp transactions will be made electronically using a plastic card at point-of-service sale terminals and automated teller machines. Cash assistance may also be delivered via a direct deposit account. Topics covered include client training in use of the EBT system, card replacement procedures, and sanctions and remedies for improper or fraudulent EBT practices. Part 121 also specifies that when a household reports non-receipt of mailed coupons, any replacement coupons will be sent to the local DPA office rather than mailed to the recipient. Small businesses affected by these 2 rulemakings include grocery stores.

JOBS PROGRAM

DPA also proposed an amendment to "Aid to Families with Dependent

Children" (89 Ill Adm Code 112) to specify that an exemption from participation in the Job Opportunities and Basic Skills Training Program (JOBS) for children age 16 through 18 who are in full-time school attendance does not apply to parents under age 18. Those in a control group during the Work and Responsibility Demonstration program in the Auburn Park and Williamson local DPA offices would not be affected by the change. The rulemaking also states that a person cannot be exempted from JOBS participation based upon responsibility for the care of a child under age 3 if the child is a "capped" child, meaning that public aid payments did not increase based upon the birth of the child.

Questions/requests for copies/comments concerning the 3 rulemakings above until 10/15/95: Judy Umunna at the DPA address above.

HOSPITALS

The DEPARTMENT also proposed an amendment for "Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)" (89 Ill Adm Code 149) to change the current physician attestation process for hospital admissions, diagnoses, and major procedures to one whereby the hospital's health information management director or designee attests to a patient's diagnoses and treatments based upon codings found in the patient's medical record. A physician's signature would not be required. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate hospitals receiving payments under the Diagnosis Related Grouping Prospective Payment System.

Questions/requests for copies/comments until 10/15/96: Joanne Jones at the DPA address above.

HOTEL TAX

The DEPARTMENT OF REVENUE proposed an amendment for rules

Proposed Regulations

entitled "Hotel Operators' Tax Act" (86 Ill Adm Code 480) to delete the current requirement that a hotel operator annually file an information return covering the preceding calendar year or preceding fiscal year if the operator files federal income tax returns on a fiscal-year basis. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include hotel operators.

CIVIC CENTER TAXES

DOR also proposed the following 3 new Parts: "Salem Civic Center Retailers' Occupation Tax" (86 Ill Adm Code 690), "Salem Civic Center Service Occupation Tax" (86 Ill Adm Code 691), and "Salem Civic Center Use Tax" (86 Ill Adm Code 692). The rulemakings

implement Public Act 89-460, which authorizes the Salem Civic Center Authority to impose the 3 taxes specified above if approved by voter referendum. The taxes may be imposed in 1/4% increments at a rate not exceeding 1%. DOR would collect and enforce taxes. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include the city of Salem in Marion County and retailers, service persons, and users of tangible personal property in the city.

Questions/requests for copies/comments concerning the 4 rulemakings above until 10/15/96: Gina Roccaforte, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

RULEMAKING WITHDRAWN

The DEPARTMENT OF REHABILITATION SERVICES withdrew proposed amendments to "Rules of Conduct" (89 Ill Adm Code 827) in the 8/23/96 issue of the *Illinois Register*. This rulemaking was proposed at 20 Ill Reg 8266 on 6/21/96 to prohibit use of tobacco products by students at DORS facilities or on DORS properties. DORS advises that programmatic changes necessitate amending a larger portion of this Part than previously anticipated, and this withdrawal will expedite handling of the additional changes.

Questions/requests for copies: Susan Warner at the DORS address above.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 9/17/96 JCAR meeting.

DEPT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

"Administration" (59 Ill Adm Code 101) proposed 5/24/96 (20 Ill Reg 7276)

STATE FIRE MARSHAL

"Fire Prevention and Safety" (41 Ill Adm Code 100) proposed 9/22/95 (19 Ill Reg 13176)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13483 - AUGUST 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

348.02
I 86x

The Flinn Report

DOC.

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

September 6, 1996

Issue 36

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

SEP 26 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments, effective 9/10/96, to the following 4 Parts: "Skilled Nursing and Intermediate Care Facilities Code" (77 Ill Adm Code 300), "Sheltered Care Facilities Code" (77 Ill Adm Code 330), "Intermediate Care for the Developmentally Disabled Facilities Code" (77 Ill Adm Code 350), and "Long-Term Care for Under Age 22 Facilities Code" (77 Ill Adm Code 390). The rulemakings are in response to Public Act 88-413, which directs DPH to define and set policies for use of patient restraints and adopt the standards for unnecessary drugs in accordance with guidelines issued by the U.S. Department of Health and Human Services. Topics covered in the 4 rulemakings include new definitions of "adaptive equipment", "chemical restraint" and "physical restraint"; written facility policy requirements; emergency and nonemergency restraint use; notification procedures; unnecessary drugs; and drug use guidelines. Changes in these rulemakings since their proposal include updating the appendices to reflect federal guidelines such as new

drug additions, behavioral monitoring chart use, and reliance upon the 4th edition of the *Diagnostic and Statistical Manual of Mental Disorders*. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those that own or operate nursing facilities.

VETERANS' HOMES

DPH also adopted amendments in response to Public Act 88-413 to "Illinois Veterans' Homes Code" (77 Ill Adm Code 340), effective 9/10/96, to define "adaptive equipment" and amend the section concerning restraints to distinguish the use of adaptive equipment. Changes in this rulemaking since its proposal include defining "adaptive behavior" and adding the provisions noted above to reflect federal guidelines. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that operate a veterans home.

Questions/requests for copies of the 5 rulemakings above: Gail M. DeVito, DPH, Division of Governmental Affairs, 535 W. Jefferson, 5th Fl., Springfield IL

62761, 217/782-6187.

WASTE DISPOSAL

The POLLUTION CONTROL BOARD adopted amendments to "Solid Waste Disposal: General Provisions" (35 Ill Adm Code 810), effective 8/15/96, to add definitions and cross-references to the new Part 816 that will be adopted in next week's *Illinois Register*. Also, a standard test method for unconfined compression strength of cohesive soils and a fallinghead permeability test are added as incorporations by reference. Changes in this rulemaking since its proposal include adding definitions for "dead animal disposal site" and "NPDES permit", revising the definition of "significant modification", and adding dates for new incorporated materials. PCB also adopted amendments to "Standards for New Solid Waste Landfills" (35 Ill Adm Code 811), effective 8/15/96, to update cross-references to include Part 816.


Questions/requests for copies of the 2 rulemakings above: Charles M. Feinen, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3473.

THERAPIST LICENSURE

The DEPARTMENT OF PROFESSIONAL REGULATION adopted an amendment to "Marriage and Family

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

 : Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/RULE TEXT/COMMENTS: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

(cont'd next page)

New Regulations

Therapy Licensing Act" (68 Ill Adm Code 1283), effective 8/27/96, to add continuing education (CE) requirements for 1999 marriage and family therapist license renewals and all subsequent renewals. Topics covered include hour requirements, approved courses, sponsors, program certification, attendance, license restoration, and waivers. Changes in this rulemaking since its proposal include specifying that DPR accepts CE programs sponsored by the American Association for Marriage and Family Therapy in addition to others and clarifying that the required 30 hours of CE is to be completed during every 2-year prerenewal period. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those employing licensed marriage and family therapists.

Questions/requests for copies: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, FAX 217/782-7645.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES repealed "Centers for Independent Living" (89 Ill Adm Code 885) and adopted a new Part 886 of the same name, effective 8/27/96. The new Part reflects 1992 federal amendments governing such centers by reducing review criteria for new center applicants to 7 areas. After initial review, a center that meets compliance criteria would be subject to a more streamlined review process in subsequent years. The new Part also deletes a number of forms that were included in the rules. Changes in this rulemaking since its proposal include clarifying the basis on which determinations regarding first-time funding applications will be made. Not-for-profit corporations affected by this rulemaking include independent living centers.

Questions/requests for copies: Susan Warrner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

DISABLED PERSON I.D.

The SECRETARY OF STATE announces that the emergency rulemaking entitled "Issuance of Licenses" (92 Ill Adm Code 1030), effective 6/4/96, will be withdrawn (repealed) in response to an objection issued by the Joint Committee on Administrative Rules because the circumstances of this rulemaking do not meet the required criteria for adoption of an emergency rulemaking. The emergency rulemaking provided that a person who presents specified written evidence of receiving Department of Veterans' Affairs disability benefits shall also be entitled to a Disabled Persons Identification Card without a physician's signature.

Questions/requests for copies: Mark A. Novak, Office of the SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/782-5356.

JCAR Newsletter Subscription

The Joint Committee on Administrative Rules is updating its newsletter mailing list for "Illinois Regulation" in order to delete duplicate or obsolete subscriptions. Please indicate below whether you wish to continue receiving the newsletter, and attach your current mailing label. Please make any address or name changes directly on the mailing label. Your prompt response is necessary for continued receipt of "Illinois Regulation".

-----Continue my subscription

-----Discontinue my subscription

Attach label here

-----Continue my subscription as modified on label

Return form to Joint Committee on Administrative Rules,
700 Stratton Office Bldg., Springfield, Illinois 62706

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 9/17/96 JCAR meeting.

ILLINOIS RACING BOARD

"Licensing" (11 Ill Adm Code 502) proposed 6/28/96 (20 Ill Reg 8447)

"Officials of Meeting" (11 Ill Adm Code 1403) proposed 6/28/96 (20 Ill Reg 8453)

DEPARTMENT OF REHABILITATION SERVICES

"Public Use of DORS Facilities" (89 Ill Adm Code 546) proposed 6/21/96 (20 Ill Reg 8262)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

"Alcoholism and Substance Abuse Treatment and Intervention Licenses" (77 Ill Adm Code 2060) proposed 5/24/96 (20 Ill Reg 7086)

"Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs" (77 Ill Adm Code 2057) proposed 5/24/96 (20 Ill Reg 7154)

Repeal of "Driving Under the Influence Programs" (77 Ill Adm Code 2056) proposed 5/24/96 (20 Ill Reg 7160)

Repeal of "Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs" (77 Ill Adm Code 2058) proposed 5/24/96 (20 Ill Reg 7197)

DEPARTMENT OF REVENUE

"Special County Service Occupation Tax for Public Safety" (86 Ill Adm Code 680) proposed 6/21/96 (20 Ill Reg 8290)

"Special County Retailers' Occupation Tax for Public Safety" (86 Ill Adm Code 670) proposed 6/21/96 (20 Ill Reg 8282)

DEPARTMENT OF PUBLIC AID

"Practice in Administrative Hearings" (89 Ill Adm Code 104) proposed 7/5/96 (20 Ill Reg 8620)

DEPARTMENT OF AGRICULTURE

"Diseased Animals" (8 Ill Adm Code 85) proposed 7/12/96 (20 Ill Reg 8759)

STATE POLICE MERIT BOARD

"Procedures of the Department of State Police Merit Board" (80 Ill Adm Code 150) proposed 7/12/96 (20 Ill Reg 8990)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13535 - SEPTEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

048.02
EL 6X

The Flinn Report

DOC

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

September 13, 1996

Issue 37

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

SEP 30 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

INSURANCE

The DEPARTMENT OF INSURANCE adopted a new Part entitled "Valuation of Life Insurance Policies Including the Use of Select Mortality Factors" (50 Ill Adm Code 1409), effective 9/3/96, to allow insurance companies to hold lower reserves for their whole and universal life insurance policies through the use of lower mortality assumptions and require insurers to hold higher reserves for specific types of term policies. This Part does not apply to group life insurance certificates unless the certificates provide for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year. Other exemptions also are specified for certain types of individual, variable, and variable universal life insurance policies. Changes in this rulemaking since its proposal include the addition of a new subsection establishing the applicability date of this Part, further clarification regarding the determination of segments produced by the contract segmentation method, and specifying that any negative terminal reserves are set to zero.

Questions/requests for copies: Bruce Sartain (217/785-0903) or Larry Gorski (217/782-1794), DOI, 320 W. Washington, Springfield IL 62767-0001.

LANDFILLS

The POLLUTION CONTROL BOARD adopted amendments to "Solid Waste" (35 Ill Adm Code 807), effective 8/28/96, to update cross-references to include a new Part 816 that will be adopted in next week's *Illinois Register*. The new Part concerns use of a patented material called "Poz-O-Tec".

Questions/requests for copies: Charles M. Feinen, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3473.

DEVELOPMENTAL DISABILITIES

The DEPARTMENT OF PUBLIC AID adopted amendments to "Developmental Disabilities Service" (89 Ill Adm Code 144), effective 8/30/96. An identical emergency rulemaking was adopted 5/24/96. These amendments allow DMHDD to make exceptional care payments to long-term care facilities designated "ICF/MR(SNF/

(cont'd next page)

RADIOLOGIC HAZARDS

The DEPARTMENT OF NUCLEAR SAFETY proposed amending "General Provisions" (32 Ill Adm Code 310) to add a new section entitled "Emergency Response Cost Recovery" to permit DNS to assess the costs of its response to conditions that constitute an immediate threat to health against the person or persons responsible for such condition. If unable to determine the responsible party, DNS may assess the costs against the owner of the property, and such costs constitute a lien against the property until paid. Topics covered include basis for cost assessments, the items that constitute actual response costs, costs incurred by other units of government while assisting DNS, submission format and requirements for approval of costs, procedure for denial of cost reimbursement to a governmental unit, and hearing requirements. Small businesses, not-for-profit corporations, and municipalities affected by this rulemaking include those deemed responsible for the creation or continuation of certain radiologic emergencies, as well as those seeking to recoup their radiologic emergency response costs from responsible parties.

Questions/requests for copies/comments until 10/28/96: Robert B. Holtsclaw, DNS, 1035 Outer Park Dr., Springfield IL 62704, 217/524-1003, TDD 217/782-61334.

(cont'd page 4)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/RULE TEXT/COMMENTS: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

Ped license)" for the care of developmentally disabled children with high medical needs. Topics covered include a definition of exceptional care; program, staffing and training requirements; emergency policy and procedure requirements; required written provider agreements; provider approval and the voluntary termination process; payment eligibility; and monitoring. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include long-term care facilities providing skilled nursing care for clients with developmental disabilities who are under the age of 21 at the time of admission to the facility.

Questions/requests for copies: Joanne Jones at the DPA address below.

HORSE RACING

The ILLINOIS RACING BOARD adopted amendments to "Claiming Races" (11 Ill Adm Code 510), effective 9/1/96, to repeal the prohibition against entering a harness horse in a race for less than 110% of its claiming price during the 30 days following the claim.

Questions/requests for copies: Gina DiCaro at the IRB address below.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES adopted an amendment to "Provider Requirements, Type Services, and Rates of Payment" (89 Ill Adm Code 686), effective 8/28/96, to add 14 and 15-year-olds to those who may be employed as personal assistants (PAs) through the Home Services Program and specify eligibility criteria for 14 through 17-year-old PAs. The rulemaking also limits the current requirement concerning PA knowledge of precautionary procedures for the control of contagious infectious diseases to situations where the customer has such a disease. Additionally, a new form will be used to report

PA absences, and federal and State income taxes may be withheld if the PA submits the required W-4 forms to DORS. Changes in this rulemaking since its proposal include deleting information concerning withholding of union/fair share dues.

DORS also repealed rules entitled "Illinois Children's School and Rehabilitation Center's Respite Program" (89 Ill Adm Code 787), effective 8/28/96, because the program no longer exists.

Questions/requests for copies of the 2 rulemakings above: Susan Warnner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

GOVERNMENTAL ETHICS

The OFFICE OF THE SECRETARY OF STATE adopted a new Part entitled "Statements of Economic Interests" (2 Ill Adm Code 565), effective 9/1/96, to extend the filing deadline for statements of economic interests upon a showing of just cause for failure to file in a timely manner. Persons granted filing extensions shall have 30 additional days in which to file forms without penalty. Topics covered include definitions, requests for extensions, reasons for which extensions will or will not be granted, and statutory penalties for failure to file after receiving a filing extension.

Questions/requests for copies: Carol Sudman, Office of the SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094.

HUNTING AND TRAPPING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to "Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping" (17 Ill Adm Code 570), effective 8/30/96. Amendments lengthen the trapping season in the North and South Zones, add badgers to the list of legal

species, establish daily and possession limits for badgers, and add Cache River State Natural Area and Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area to the list of sites where statewide regulations apply. Changes in this rulemaking since its proposal include specifying that only Egg Traps (tm), D-P (Dog Proof) Traps (tm), box traps, cage traps, and traps of similar design may be used at Site M. Small businesses affected by this rulemaking include those that conduct hunting and trapping for commercial purposes and related businesses such as taxidermists.

DNR also adopted amendments, effective 8/30/96, for "Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting" (17 Ill Adm Code 530), "Duck, Goose and Coot Hunting" (17 Ill Adm Code 590), and a new Part entitled "Youth Hunting Season for White-Tailed Deer" (17 Ill Adm Code 685). Part 685 establishes a statewide season for a yearly youth white-tailed deer hunt the 1st weekend after October 11th. Topics covered include permit and firearm requirements, fees, applications, bag limits, and announcement of site locations. Part 590 moves Bond, Fayette, and Effingham counties to the Southern Zone for all waterfowl hunting rather than just goose hunting; amends hunter reporting requirements; and requires some hunters to register in the federal migratory bird harvest information program (HIP). The rulemaking also removes the Horseshoe Lake prohibition against goose hunting after duck season, adds Medewin National Tallgrass Prairie and Sand Ridge State Forest to the site-specific regulations list, removes the Joliet Army Ammunition Plant from the list, and amends some check station procedures. The section concerning Snow, Blue, and Ross' goose hunting is changed to early and late goose hunting for all species and is extensively amended. Changes in this rulemaking since its proposal include adding a new section stating that when federal regulations set special dates for youth-only

New Regulations

waterfowl hunting, public announcement will advise which Departmental sites will be opened. Part 530 amendments specify that Site M, Sand Ridge, and Wayne Fitzgerald pheasant hunting permits are exempted from the rule that such permits cannot be transferred. Other topics include transfer fees; scheduling controlled pheasant hunting on Mondays and Tuesdays; season dates; daily limits for pheasants, bobwhite quail, and rabbits; 1996 youth pheasant hunting dates and sites; use of bismuth shot; and changes in the list of sites where statewide regulations apply. The rulemaking also strikes Silver Springs State Park from the list of sites where statewide falconry regulations apply and changes the names of Railsplitter State Park and Pike County Conservation Area.

Questions/requests for copies of the 4 rulemakings above: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

ALCOHOL & DRUG TREATMENT

The DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE adopted amendments by emergency rulemaking for "Subacute Alcoholism and Substance Abuse Treatment Services" (77 Ill Adm Code 2090), effective 8/30/96, for a maximum of 150 days. The impact of the rulemaking, according to DASA, is that certain reimbursement caps on services will not apply to pregnant women and adolescents under age 21 for medically necessary substance abuse treatment. The rulemaking also strikes current caps on outpatient and residential treatment services for adolescent clients. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate alcoholism or drug abuse treatment programs serving pregnant women or adolescents.

Questions/requests for copies: Norma Seibert, DASA, 222 S. College, 2nd Fl., Springfield IL 62704, 217/782-0686.

HOSPITALS

The DEPARTMENT OF PUBLIC AID adopted emergency amendments for "Hospital Services" (89 Ill Adm Code 148), effective 9/1/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemakings raise the Level II Trauma Center adjustment from \$9,400 to \$9,900 and raise the Level I Trauma Center adjustment from \$19,200 to \$19,700 or from \$12,000 to \$12,500 per Medicaid trauma admission in the Critical Hospital Adjustment Payments (CHAP) base period. The threshold for determining the amount of the rehabilitation hospital adjustment facility component is changed from 100 rehabilitation admissions to 90 such admissions, thus increasing eligibility for a \$400,000 payment rather than a \$100,000 payment. The rulemakings also add Rural Critical Adjustment Payments (RCHAP) that shall be made to rural hospitals for each inpatient Medicaid obstetrical care admission (\$745) and Medicaid general care admission (\$75) occurring from 9/1/96 to 6/30/97. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those that own or operate hospitals.

Questions/requests for copies/comments concerning the proposed rulemaking until 10/28/96: Joanne Jones, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

AFDC

The DEPARTMENT also adopted an emergency amendment for "Aid to Families with Dependent Children" (89 Ill Adm Code 112), effective 9/1/96, for

a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemakings add a new section to require a young parent who must participate in the Teen Parent Initiative/Young Parent Services Program to complete a responsibility plan as part of the JOBS program assessment process. The plan defines the responsibilities that the young parents must meet in order to receive AFDC cash assistance and specifies what services DPA agrees to provide. The rulemakings state that plan goals are completion of a high school education, paternity establishment, child support payment, parenting skill improvement, and full-time employment.

Questions/requests for copies/comments concerning the proposed rulemaking until 10/28/96: Judy Umunna at the DPA address above.

HORSE RACING

The ILLINOIS RACING BOARD adopted an amendment by emergency rulemaking to "Pari-Mutuel" (11 Ill Adm Code 300), effective 9/1/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rulemakings specify that organization licensees shall require out-of-state wagering facilities to maintain the same minimum purchase prices of pari-mutuel wagers that have been established for Illinois licensees when organization licensees conduct commingled or combined wagering pools with out-of-state wagering facilities. If the same minimum purchase price is not maintained, the organization licensee shall be subject to civil penalties.

Questions/requests for copies/comments concerning the proposed rulemaking until 10/28/96: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-5070.

Proposed Regulations

REAL ESTATE APPRAISERS

The OFFICE OF BANKS AND REAL ESTATE proposed amending "Real Estate Appraiser Certification" (68 Ill Adm Code 1455) to provide that licensees may hold only 1 of the 3 ranks of appraiser licenses at a time. Also, in the event of an upgrade or downgrade of licensure rank, any complaints, sanctions, or other disciplinary matters pertaining to the existing license will transfer to the upgraded or downgraded license. Additionally, the expiration date for continuing education course approval is changed from 3/31 in even-numbered years to 9/30 in odd-numbered years to coincide with the timing of license renewals. Fees would be prorated for 9/30/99, the first expiration date under the new schedule. Small businesses affected by this rulemaking include licensed real estate appraisers.

Questions/requests for copies/comments until 10/28/96: John Arthur, OBRE, 500 E. Monroe, Ste. 900, Springfield IL 62701-1532, 217/782-6181.

VOCATIONAL REHABILITATION

The DEPARTMENT OF REHABILITATION SERVICES proposed an amendment for "Services" (89 Ill Adm Code 590) to remove the requirement that any drug, therapeutic device, procedure, or surgery that DORS provides must be approved by the Food and Drug Administration. The rulemaking replaces the current prohibition with a statement that DORS will not provide any drug, therapeutic device, procedure, or surgery that cannot be legally prescribed by a licensed medical professional or that is outside "accepted medical practice". The amendment also adds a prohibition of cosmetic surgery or services but states that a surgery or service is not solely for cosmetic purposes when it would correct or substantially modify a physical condition that constitutes an "impediment to employment". Small businesses affected by this rulemaking include physicians and hospitals.

Questions/requests for copies/comments until 10/28/96: Susan Warner at the DORS address above.

DRIVER & VEHICLE INFORMATION

The SECRETARY OF STATE proposed amendments for "Sale of Information" (92 Ill Adm Code 1002) to prohibit the sale of personal information from driver, vehicle, or title lists for commercial solicitation purposes. "Commercial solicitation purposes" is defined as the use of driver, vehicle, or title lists: (1) to contact individuals for advertising, offering for sale, marketing, or sale of products or services, or (2) to identify potential employees, except for the U.S. armed forces. Also, the definition of "personally identifiable information" is amended to add "driver's license number". The rulemaking deletes the current mechanism whereby an individual may request that his or her personally identifiable information not be used for commercial solicitation purposes. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that desire to purchase driver, vehicle, or title lists from the SOS for commercial solicitation purposes.

Questions/requests for copies/comments until 10/28/96: Carol Sudman at the SOS address above.

JCAR Meeting Agenda

The following rulemaking was moved to second notice this week by the agency listed below, commencing the JCAR review period. The rulemaking will be considered at the 10/15/96 JCAR meeting.

DEPARTMENT OF REVENUE

"Uniform Penalty and Interest Act" (86 Ill Adm Code 700) proposed 7/12/96 (20 Ill Reg 8981)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13581 - SEPTEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

September 20, 1996

Issue 38

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

OCT 06 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

Proposed Regulations

MEDICAL RADIATION

The DEPARTMENT OF NUCLEAR SAFETY adopted amendments, effective 9/6/96, to "Accrediting Persons in the Practice of Medical Radiation Technology" (32 Ill Adm Code 401) and "Certification of Individuals to Perform Industrial Radiography" (32 Ill Adm Code 405). Part 401 clarifies that direct supervision is required for students in an approved radiation technology training program. Both Parts are amended to state that the Department will refuse to issue or renew accreditation or certification if the applicant is delinquent in repaying ISAC-guaranteed educational loans or paying child support. Also, suspension or revocation provisions may be applied if a licensee fails to repay an educational loan guaranteed by the Illinois Student Assistance Commission (ISAC), meet child support orders, or pay a properly assessed civil penalty. Changes in Part 401 since its proposal include making the Department's decision relative to suspension or revocation of accreditation discretionary rather than mandatory, and both Parts delete the stipulation that no hearing will be granted in cases in which a delin-

quency has been previously determined by DPA. Small businesses, small municipalities, and not-for-profit corporations affected by these 2 rulemakings include those employing persons certified to perform industrial radiography or persons accredited in the practice of medical radiation technology.

RADON DETECTION & MITIGATION

DNS also adopted amendments to "Registration of Radon Detection and Mitigation Services" (32 Ill Adm Code 420), effective 9/6/96, to add educational loan and child support provisions like those above. However, civil penalties are not included. Changes in this rulemaking since its proposal include making the Department's decision relative to suspension or revocation of accreditation discretionary rather than mandatory, and deleting the stipulation that no hearing will be granted in cases where a delinquency has been previously determined by DPA. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those employing persons registered to perform radon

INCOME TAX

The DEPARTMENT OF REVENUE proposed a new section for "Income Tax" (86 Ill Adm Code 100) to establish the Medical Care Savings Account Program whereby an employer may contribute to a fund to pay eligible medical expenses of an employee and his or her dependents. The contribution on behalf of the employee would equal all or part of the premium differential realized by the employer based on the purchase of a qualified higher deductible health plan for employees. Topics covered include definitions, requirements, use of account monies, and income tax consequences. Small businesses and not-for-profit corporations affected by this rulemaking include those wishing to participate in the Medical Care Savings Account program either as an employer or as an account administrator.

Questions/requests for copies/comments until 11/4/96: Keith Staats, DOR, Legal Services, 101 W. Jefferson, Springfield IL 62708, 217/782-7055.

EGGS

The DEPARTMENT OF AGRICULTURE proposed amendments for rules entitled "Egg and Egg Products Act" (8 Ill Adm Code 65) to clarify that DOA regulations for egg holding temperatures apply from the point of candling

(cont'd next page)

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

*: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/RULE TEXT/COMMENTS: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

Questions/requests for copies of the 3 rulemakings above: Valeria Puccini, DNS, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9881, TDD 217/782-6133.

HEALTH INSURANCE

The DEPARTMENT OF INSURANCE adopted a new Part entitled "Small Employer Carrier Actuarial Certification and Documentation Requirements" (50 Ill Adm Code 5100), effective 9/9/96, to set standards for the filing and contents of a small employer carrier actuarial certification.

Questions/requests for copies: Gerald Lucht (217/785-0260) or Lynn Shanklin (217/782-1796), DOI, 320 W. Washington, Springfield IL 62767-0001.

LANDFILLS

The POLLUTION CONTROL BOARD adopted a new Part entitled "Alternative Standards for Coal Combustion Power Generating Facilities Waste Landfills" (35 Ill Adm Code 816), effective 8/15/96, to provide that FGD sludges and coal combustion waste produced by coal combustion power generating facilities may be used for liner or cap construction provided that these sludges and wastes have been processed into a patented material called "Poz-O-Tec" that meets certain specified standards. Poz-O-Tec monofills are allowed, also. Changes in this rulemaking since its proposal include deleting the provision that restricted the applicability of this Part to facilities that utilize a lime or limestone scrubber system. According to PCB, this change does not affect the new Part because the definition of coal combustion power generating facilities in Part 810 includes the lime or limestone scrubber system specification. Also, the title of the Part was changed from "Alternative Standards for New Utility Waste Landfills".

Questions/requests for copies: Charles M. Feinen, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3473.

DISADVANTAGED BUSINESS ENTERPRISES

The DEPARTMENT OF TRANSPORTATION adopted amendments to "Disadvantaged Business Enterprises" (92 Ill Adm Code 10), effective 9/6/96, to clarify that only concerns and joint ventures meeting the definition of a disadvantaged business enterprise (DBE) as determined by federal eligibility standards may be certified to participate in the Department's DBE program. Small businesses affected by this rulemaking include those seeking to secure DOT contracts under the DBE program.

Questions/requests for copies: Beverly R. Peters, DOT, 2300 S. Dirksen Pkwy., Rm. 319, Springfield IL 62764, 217/785-5947.

PUPIL TRANSPORTATION

DOT also adopted amendments for "Transporting Pupils Where Walking Constitutes a Serious Safety Hazard" (92 Ill Adm Code 556), effective 9/6/96. Amendments to the definition of "walkway" specify that walkways immediately adjacent to a road must be maintained in suitable walking condition throughout the school year and add paths created by school districts or other groups on public land that may be used by children to avoid a more hazardous route. The rulemaking also states that long-term construction projects or other temporary conditions may affect route safety and contribute to a serious safety hazard finding. Concerning the assignment of point values to various factors that impact upon a serious safety hazard determination, the 7th and 8th grade pupil category is assigned 5 points rather than the current 2 points. Previously, the 5-point category covered grades K-6.

Questions/requests for copies: R.W. Jones, DOT, 2300 S. Dirksen Pkwy., Rm. 009, Springfield IL 62764, 217/782-7231.

MEAT & POULTRY

The DEPARTMENT OF AGRICULTURE adopted amendments to "Meat and Poultry Inspection Act" (8 Ill Adm Code 125) by peremptory rulemaking effective 9/5/96. The amendment incorporate federal regulations the DOA advises "permit the application of trisodium phosphate (TSP) on raw chilled poultry carcasses passed for wholesomeness" to help reduce microbial populations. The amendments also provide for relabeling of raw poultry products to help insure that the products are not labeled in a false or misleading manner. The use of the term "fresh" on labeling of raw poultry products whose internal temperature has ever been below 26° F is prohibited, and raw poultry products that have ever had an internal temperature between 26° F and 0° F must be labeled "hard chilled". Small businesses affected by this rulemaking include meat and poultry processors and slaughterers.

Questions/requests for copies: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

CODIFICATION CHANGE

The OFFICE OF BANKS AND REAL ESTATE announced a codification change in "Discrimination Procedures" (Title 4) and "Financial Institutions" (Title 38). This codification change implements an executive order and Public Act 89-508, which merged the Office of the Commissioner of Savings and Residential Finance and the Commissioner of Banks and Trust Companies on 6/1/96 to form the Office of Banks and Real Estate (OBRE). According to OBRE, only changes related to headings, agency name, and other non-substantive changes are being made.

Questions/requests for copies: John Arthur, OBRE, 500 E. Monroe, Ste. 900, Springfield IL 62701, 217/782-6181.

Proposed Regulations

and grading (including transportation) until the eggs reach the retailer. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include egg licensees under the Illinois Egg and Egg Products Act.

Questions/requests for copies/comments until 11/4/96: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

CLEAN AIR

The ENVIRONMENTAL PROTECTION AGENCY proposed a new Part entitled "General Conformity: Criteria and Procedures" (35 Ill Adm Code 255) to establish criteria and procedures for federal agencies operating in Illinois to use in determining whether their federal actions in nonattainment or maintenance areas conform to the Illinois State Maintenance Plan (SIP). Topics covered include applicability, definitions, exempt activities, conformity criteria and determinations, and air quality impact mitigation. According to EPA, this rulemaking will impact upon Chicago, the East St. Louis area, and Jersey County for ozone; the Peoria/Tazewell area for sulfur dioxide; and the Granite City, Lake Calumet, McCook, and Oglesby areas

for certain particulate matter called PM-10.

Questions/requests for copies/comments until 11/4/96: John Williams (217/782-5544) or Rachel Doctors (217/524-3333), IEPA, PO Box 19276, Springfield IL 62794-9276. Comments should reference EPA #355-96. A public hearing is scheduled for 1:00 p.m. on 10/25/96, 100 W. Randolph, Rm. 9-031, Chicago. EPA states that written comments must be received by 10/26/96 for inclusion in the hearing record.

CHILD SUPPORT

The DEPARTMENT OF PUBLIC AID proposed amending "Child Support Enforcement" (89 Ill Adm Code 160) to state that a person who applies for "Title IV-D" services or receives continuation services shall have IV-D services terminated if the person retains a private attorney to establish paternity or establish, modify, or enforce a child support obligation. Also, a new section is added to specify when DPA will credit its child support accounts receivable for payments made directly to a Title IV-D client.

Questions/requests for copies/comments until 11/4/96: Judy Umunna, DPA, Bureau of Rules and Regula-

tions, 100 S. Grand Ave. E., 3rd Fl. Springfield IL 62762, 217/524-0081

PENSIONS

The DEPARTMENT OF INSURANCE proposed a new Part entitled "Electronic Filing" (50 Ill Adm Code 4405) to require all pension, annuity or retirement funds or systems not financed in whole or in part by the State of Illinois to file their annual statements electronically with DOI's Pension Division. Additionally, each pension, annuity and retirement fund or system is required to furnish the parameters and the substance of the annual statement to the Department at least 60 days prior to the deadline date for submission of the annual statement. Topics covered include authority, purpose and scope, electronic filing and procedure. This rulemaking will affect the pension and retirement systems of over 566 suburban and downstate police and fire pension funds, as well as Cook County and other large statewide retirement systems.

Questions/requests for copies/comments until 11/4/96: Eve Blackwell (217/524-1634) or Denise Hamilton (217/785-8560), DOI, 320 W. Washington St., Springfield IL 62767.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 10/15/96 JCAR meeting.

DEPARTMENT OF PUBLIC AID

"Aid to Families with Dependent Children" (89 Ill Adm Code 112) proposed 6/28/96 (20 Ill Reg 8433)

DEPARTMENT OF INSURANCE

"Construction and Filing of Accident and Health Forms" (50 Ill Adm Code 2001) proposed 4/5/96 (20 Ill Reg 5284)

CAPITAL DEVELOPMENT BOARD

Repeal of "Definitions" (71 Ill Adm Code 1) proposed 7/26/96 (20 Ill Reg 9735)

"Board Action" (71 Ill Adm Code 10) proposed 7/26/96 (20 Ill Reg 9725)

Repeal of "Project Procedures" (71 Ill Adm Code 20) proposed 7/26/96 (20 Ill Reg 9760)

"Standards for Award of Grants Elementary and Secondary Schools Capital Assistance Program" (71 Ill Adm Code 40) proposed 7/26/96 (20 Ill Reg 9764)

"Hearing Procedures" (71 Ill Adm Code 100) proposed 7/26/96 (20 Ill Reg 9753)

Repeal of "Hearing Procedures" (71 Ill Adm Code 100) proposed 7/26/96 (20 Ill Reg 9739)

"Asbestos Abatement Authority Act Procedures" (71 Ill Adm Code 500) proposed 7/26/96 (20 Ill Reg 9717)

Repeal of "Definitions" (44 Ill Adm Code 900) proposed 7/26/96 (20 Ill Reg 9731)

"Bidder Responsibility" (44 Ill Adm Code 950) proposed 7/26/96 (20 Ill Reg 9721)

"Access to Information" (2 Ill Adm Code 1651) proposed 7/26/96 (20 Ill Reg 9710)

ILLINOIS COMMERCE COMMISSION

"Arbitration Practice" (83 Ill Adm Code 761) proposed 6/28/96 (20 Ill Reg 8416)

"Approval or Rejection of Arbitrated Agreements" (83 Ill Adm Code 762) proposed 6/28/96 (20 Ill Reg 8407)

"Approval of Negotiated Agreements" (83 Ill Adm Code 763) proposed 6/28/96 (20 Ill Reg 8393)

"Approval of Statements for Generally Available Terms" (83 Ill Adm Code 764) proposed 6/28/96 (20 Ill Reg 8395)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13637 - SEPTEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

10.02
L6X

The Flinn Report

DOC.

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

September 27, 1996

Issue 39

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

OCT 14 1996

UNIVERSITY OF ILLINOIS
AT URBANA

New Regulations

Proposed Regulations

CORN MARKETING

The DEPARTMENT OF AGRICULTURE adopted an amendment to "Organizational Chart, Description, Rulemaking Procedure, and Programs" (2 Ill Adm Code 700), effective 9/5/96, to allow members of the corn marketing board to serve a maximum of 3 full consecutive 3-year terms rather than 2 terms. According to DOA, this change was approved by an Illinois Corn Marketing Board referendum on 7/2/96. Small businesses affected by this rulemaking include corn producers.

Questions/requests for copies: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

INSURANCE

The DEPARTMENT OF INSURANCE announced that it is repealing the following 3 Parts: "Internal Security Standard and Fidelity Bonds" (50 Ill Adm Code 5601), "Internal Security Standard and Fidelity Bonds" (50 Ill

Adm Code 5501), and "Hospital Contracts and Benefit Payments" (50 Ill Adm Code 5502). According to DOI, the statutory authorization for these programs no longer exists. DOI also states that it mistakenly recodified 3 existing Parts into Parts 5601, 5501, and 5502 in the April 19th and April 30th Registers without first repealing the existing text.

Questions/requests for copies/comments: Mary Meyer, DOI, 320 W. Washington, Springfield IL 62767-0001, 217/785-8220.

LOBBYIST REGISTRATION

The SECRETARY OF STATE proposed amendments for "Lobbyist Registration and Reports" (2 Ill Adm Code 560) to clarify language and add provisions concerning required lobbyist registration and reporting. Significant changes include deleting copies of required forms, expanding the definition of grass roots lobbying communications, and adding new options for reporting large gatherings or giveaways sponsored by more than one entity. Also, the rulemaking specifies that tickets purchased for a candidate's fundraiser need not be reported regardless of whether a lobbyist gives a ticket to an official. Another change narrows the reporting of individual expenditures for or on behalf of State officials and members of their immediate families to expenditures made with the intent to influence the official or to promote business goodwill. Small businesses and not-for-profit corporations affected by this rulemaking include those whose activities fall within the purview of the Lobbyist Registration Act.

Questions/requests for copies/comments until 11/12/96: Debra Detmers, Index Division, Office of the SOS, 111 E. Monroe St., Springfield IL 62756, 217/782-7017.

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

SP: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/RULE TEXT/COMMENTS: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

(cont'd next page)

Proposed Regulations

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to "State of Illinois Dependent Care Assistance Plan" (80 Ill Adm Code 2110) to specify that the Department will no longer accept canceled checks as proof for purposes of refunding dependent care expenses to plan participants.

DCMS also proposed amendments to "State of Illinois Medical Care Assistance Plan" (80 Ill Adm Code 2120) to change the deadline for submission of claims for reimbursement of expenses incurred during the previous plan year under the Medical Care Assistance Plan (MCAP) from December 31 to September 30.

Questions/requests for copies/comments concerning the 2 rulemakings above until 11/12/96: Stephen W. Seiple, 720 Stratton Office Bldg., Springfield IL 62706, 217/782-9669.

DEPARTMENT OF INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to "Annual Audited Financial Report" (50 Ill Adm Code 925) to provide that foreign and alien insurers having assumed premiums pursuant to contracts and/or treaties of reinsurance of \$1,000,000 or more will not be exempt from compliance with this Part. DOI states this change is proposed to conform to National Association of Insurance Commissioners (NAIC) regulations.

Questions/requests for copies/comments until 11/12/96: Tim Cena, DOI, 100 W. Randolph, Ste. 15-100, Chicago IL 60601, 312/814-2420 or Denise Hamilton, DOI, 320 W. Washington, Springfield IL 62767, 217/785-8560.

PHARMACISTS

The DEPARTMENT OF PROFESSIONAL REGULATION proposed amendments to "Pharmacy Practice Act of 1987" (68 Ill Adm Code 1330) to establish procedures for patient counseling by pharmacists or student pharmacists upon dispensing a new or refill prescription. Terms defined include patient counseling, patient profiles, prospective drug review, and student pharmacist. Prior to counseling, the pharmacist is required to perform a prospective drug review or drug utilization evaluation. An offer to counsel shall be made for all new prescriptions and is optional for refills. Patient counseling is not required for patients of a hospital or other facility where a nurse or other licensed health care professional is authorized to administer the medication. Other topics covered include recordkeeping, confidentiality, and forms of communication other than oral counseling. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that operate pharmacies.

Questions/requests for copies/comments until 11/12/96: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813.

UNIVERSITY RETIREMENT

The State Universities Retirement System proposed amendments to "University Retirement" (80 Ill Adm Code 1600) to simplify the hearing process for participants, annuitants, or beneficiaries adversely affected by the disposition of a claim. Duplicate hearings before the claims committee are eliminated, and the executive director is removed from participation in claims at the staff level. Review of

an initial staff decision would be conducted by the associate executive director.

Questions/requests for copies/comments until 11/12/96: Judith A. Parker, State Universities Retirement System, PO Box 2710, Champaign IL 61825-2710, 217/378-8800.

RULES CORRECTION

The STATE BANKING BOARD OF ILLINOIS has requested that JCARR approve an expedited correction for amendments to "Hearings for Removal of Directors, Officers, Employees or Agents of a State Bank" (38 Ill Adm Code 900) that were adopted in the 8/16/96 *Illinois Register* and became effective 8/1/96. An ILCS citation is being corrected from Section 48(8) of the Illinois Banking Act to Section 48(7) of the Act.

Questions/requests for copies: John Arthur, OBRE, 500 E. Monroe, Ste. 900, Springfield IL 62701, 217/782-3000.

PUBLIC HEARING

The DEPARTMENT OF PROFESSIONAL REGULATION announced public hearings for proposed amendments to rules entitled "The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985" (68 Ill Adm Code 1175) that were published in the 7/12/96 *Illinois Register* at 20 Ill Reg 8813. The hearings are scheduled for 10/7/96, 10 a.m., 320 W. Washington St., 5th Fl., Springfield IL 62786 and for 10/21/96, 10 a.m., James R. Thompson Center, 9th Fl., Rm. 9-040, 100 West Randolph, Chicago IL 62959.

Questions/requests for copies: Jean A. Courtney at the DPR address above.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 10/15/96 JCAR meeting.

DEPARTMENT OF STATE POLICE MERIT BOARD

"Procedures of the Department of State Police Merit Board" (80 Ill Adm Code 150) proposed 7/19/96 (20 Ill Reg 9512)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Pay Plan" (80 Ill Adm Code 310) proposed 7/26/96 (20 Ill Reg 9777)

DEPARTMENT OF CORRECTIONS

"Rights and Privileges" (20 Ill Adm Code 525) proposed 2/2/96 (20 Ill Reg 1719)

POLLUTION CONTROL BOARD

"Organic Material Emission Standards and Limitations for the Chicago Area" (35 Ill Adm Code 218) proposed 1/5/96 (20 Ill Reg 122)

"Organic Material Emission Standards and Limitations for the Metro East Area" (35 Ill Adm Code 219) proposed 1/5/96 (20 Ill Reg 155)

OFFICE OF THE SECRETARY OF STATE

"Regulations Under the Illinois Securities Law of 1953" (14 Ill Adm Code 130) proposed 7/26/96 (20 Ill Reg 9855)

DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 7/26/96 (20 Ill Reg 9840)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Rate Setting" (89 Ill Adm Code 356) proposed 7/12/96 (20 Ill Reg 8805)

ILLINOIS GAMING BOARD

"Riverboat Gambling" (86 Ill Adm Code 3000) proposed 6/14/96 (20 Ill Reg 7734)

DEPARTMENT OF LABOR

"Minimum Wage Law" (56 Ill Adm Code 210) proposed 8/2/96 (20 Ill Reg 10254)

DEPARTMENT OF NUCLEAR SAFETY

"Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises" (32 Ill Adm Code 501) proposed 6/21/96 (20 Ill Reg 8196)

Repeal of "Plan for the Compensation of Local Governments under Provisions of the 'Illinois Nuclear Safety Preparedness Act'" (32 Ill Adm Code 501) proposed 6/21/96 (20 Ill Reg 8199)

DEPARTMENT OF PUBLIC AID

"Practice in Administrative Hearings" (89 Ill Adm Code 104) proposed 7/12/96 (20 Ill Reg 8942)

"Application Process" (89 Ill Adm Code 110) proposed 7/12/96 (20 Ill Reg 8926)

"Long Term Care Reimbursement Changes" (89 Ill Adm Code 153) proposed 7/12/96 (20 Ill Reg 8937)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13677 - SEPTEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

98.02
L6x

The Flinn Report

DOC.

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

October 4, 1996

Issue 40

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

OCT 22 1996

UNIVERSITY OF ILLINOIS
AT URBANA CHAMPAIGN

New Regulations

Proposed Regulations

DAY CARE

The OFFICE OF THE STATE FIRE MARSHAL adopted amendments to "Fire Prevention and Safety" (41 Ill Adm Code 100), effective 9/20/96, to add equivalently safe alternative exit methods to the current requirement that day care homes and group day care homes provide direct exit to the outside from basements. The rulemaking specifies how one-hour fire resistant materials, sprinklers, and multi-station smoke detectors may be used to provide an acceptable grade-level exit. Changes in this rulemaking since its proposal include permitting the use of a window as a secondary means of escape for clients occupying a level below the level of exit discharge in a day care home or group day care home occupancy. If the size of the window fails to conform to the Life Safety Code, the home must demonstrate to the OSFM that all occupants can escape through the window to the exterior of the home in 3 minutes or less. The bottom sill of any window used as a secondary means of escape must either be within 44" of the floor or accessible by a stair or ramp permanently installed at the window to allow occupants to be within 44" of the bottom window sill when standing on

the stair or ramp. Small businesses and not-for-profit corporations affected by this rulemaking include day care homes and group day care homes.

Questions/requests for copies: Jack Ahern, OSFM, 100 W. Randolph, Ste. 11-800, Chicago IL 60601, 312/814-2693.

VETERINARIANS

The ILLINOIS RACING BOARD adopted amendments to "Licensing" (11 Ill Adm Code 502) and "Officials of Meeting" (11 Ill Adm Code 1403), effective 10/1/96. Part 502 lists the circumstances under which a veterinary assistant will be allowed to practice equine dentistry. Part 1403 repeals the requirement that a person practicing dentistry or working on the teeth or gums of a horse on an Illinois race track shall be a licensed veterinarian. Small businesses affected by this rulemaking include veterinarians, veterinary assistants, horse owners, breeders, and trainers.

Questions/requests for copies of the 2 rulemakings above: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-5070.

(cont'd next page)

SEWAGE WORKS

The ENVIRONMENTAL PROTECTION AGENCY proposed extensive amendments for "Illinois Recommended Standards for Sewage Works" (35 Ill Adm Code 370). According to EPA, the rulemaking tracks the 1990 edition of *Recommended Standards for Wastewater Facilities* published by the Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers (the "Ten State Standards") although this publication is not incorporated by reference in the rulemaking. Incorporated materials that are being updated include "Standard Specifications for Water and Sewer Main Construction in Illinois" (May 1986), American National Standards Institute publications, and publications from the American Society for Testing and Materials, the Water Pollution Control Federation, and the American Society of Civil Engineers. Among the topics covered are new sections concerning scope and applicability, design flows, high pH stabilization, dechlorination, and ultra-violet disinfection. Those affected by this rulemaking include consulting engineers engaged in the practice of sanitary engineering; any small business that (1) generates more than 1,500 gallons per day of domestic sewage, (2) treats its own wastewater for discharge to waters of the State, and (3) intends to construct new or modify existing wastewater treatment

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/RULE TEXT/COMMENTS: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

TAXES

The DEPARTMENT OF REVENUE adopted a new Part entitled "General Rules for All Taxes" (86 Ill Adm Code 800), effective 9/24/96, to address tax administration policies not limited to any particular tax. The rulemaking allows taxpayers to file returns or other documents by facsimile only upon the request of the Department. DOR will not accept requests for permission to file such material from a taxpayer or taxpayer representative or unsolicited facsimile transmittals. Any small business or not-for-profit corporation requested by DOR to file a return or other document by facsimile may be affected by this rulemaking.

PUBLIC SAFETY TAXES

DOR also adopted, effective 9/24/96, 2 new Parts entitled "Special County Retailers' Occupation Tax for Public Safety" (86 Ill Adm Code 670) and "Special County Service Occupation Tax for Public Safety" (86 Ill Adm Code 680) to implement Public Act 89-107. The rulemakings provide that the county board of any county with a population over 180,000 may impose these 2 taxes to provide revenue to be used exclusively for public safety purposes within the county. The retailer's tax may be levied only if such a proposition has been approved by the county electorate. Topics covered include tax applicability and rates, registration and returns, erroneously paid taxes, jurisdictional questions, penalties, interest, and procedures. Those affected by these 2 rulemakings include counties with a population over 180,000 and retailers or service persons in those counties.

Questions/requests for copies of the 3 rulemakings above: Keith Staats for Part 800 and Gina Roccaforte for Parts 670 and 680, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

AGRICULTURE

The DEPARTMENT OF AGRICULTURE adopted amendments for "Diseased Animals" (8 Ill Adm Code 85), effective 9/25/96, to update incorporations of federal regulations and prohibit diversion of livestock en route to slaughter, including consignment to points out-of-state. The exemption from certain health or permit requirements of livestock or dogs going to public stockyards is stricken, and the rulemaking specifies that any required forms must accompany all such incoming animals. Three infections that were added to the list of reportable diseases through emergency rulemaking in April are continued in these amendments. Also, wing and neck bands are added as a means of permanent identification for ratites entering Illinois. Changes in this rulemaking since its proposal include limiting the reporting requirement for infectious encephalomyelitis to birds. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include auction markets, marketing centers, livestock dealers, poultry and livestock producers, slaughter buyers, farmers, and veterinarians.

Questions/requests for copies: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

LIBRARY CONSTRUCTION

The SECRETARY OF STATE adopted amendments for "Public Library Construction Grants" (23 Ill Adm Code 3060), effective 9/20/96, to clarify that the final 10% of a library's grant will be reimbursed upon receipt of the close-out report, including any applicable final audit, and the other 90% will be expended under the one-year rule. Grant applicants are required to publicly announce all requirements for

architectural, engineering, and land surveying services. Additionally, the amendments require that more detailed information must be submitted in the library's Assurance of Compliance concerning bids, contracts, contractors and subcontractors, the fidelity bond, construction start date, and project expenditure changes. Changes in this rulemaking since its proposal include deleting the requirement that libraries assure the SOS that they are in compliance with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535] for contracts exceeding \$25,000.

Questions/requests for copies: Kathleen Bloomberg, IL State Library, 300 S. 2nd St., Springfield IL 62701-1796, 217/785-0052, FAX 217/782-6062, Internet: kbloomb@library.sos.state.il.us

CREDIT UNIONS

The DEPARTMENT OF FINANCIAL INSTITUTIONS adopted an emergency amendment for rules entitled "Illinois Credit Union Act" (38 Ill Adm Code 190), effective 9/20/96, for a maximum of 150 days. The amendment deletes the statement that during a DFI hearing, the petitioner or his attorney shall present his case and its proof, including any relevant testimony and documentation. According to the Department, the circuit court in a pending case has advised DFI that the statement may violate constitutional due process rights. Small businesses affected by this rulemaking include those that participate in formal hearings concerning the Department's administrative actions and regulatory decisions under the Illinois Credit Union Act.

Questions/requests for copies: M. Rose Kelly, DFI, 100 W. Randolph, Ste. 15-700, Chicago IL 60601, 312/814-2008.

Proposed Regulations

facilities; or municipalities that intend to construct new or modify existing wastewater treatment facilities.

Questions/requests for copies/comments until 11/18/96: Thomas G. McSwiggin, EPA, Division of Water Pollution Control, 2200 Churchill Rd., Springfield IL 62794-9276, 217/782-0610.

PENSION AND RETIREMENT SYSTEM AUDITS

The DEPARTMENT OF INSURANCE proposed a new Part entitled "Examination and Audit Procedure" (50 Ill Adm Code 4401) to replace "Pension and Examination Procedures" (50 Ill Adm Code 6301), which it proposed repealing. The proposed new Part establishes uniform procedures for examination, compliance with examination, hearings and other matters related to examinations and audits of each pension fund or retirement system under the Illinois Pension Code. Topics covered include applicability, pre-audit, audit, post-audit, examination procedures, and compliance. According to DOI, no substantive changes occur in the rewritten Part, although some outmoded examples of form letters are deleted.

Questions/requests for copies/comments until 11/18/96: Eve Blackwell (217/782-7542) or Mary Meyer (217/785-8220), DOI, 320 W. Washington, Springfield IL 62767.

HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to "Duck, Goose and Coot Hunting" (17 Ill Adm Code 590) to close portions of Union and Alexander Counties to snow goose hunting during the February-March hunting season.

Questions/requests for copies/comments until 11/18/96: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

BANKING

The OFFICE OF BANKS AND REAL ESTATE proposed repealing the following 3 Parts: "Acquisition of Former Main Banking Premises of Branches or Eligible Depository Institutions" (38 Ill Adm Code 307), "Posting Notice of a Proposed Acquisition" (38 Ill Adm Code 370), and "Americans with Disabilities Act Grievance Procedure" (4 Ill Adm Code 1100). Parts 307 and 370 are now obsolete, as they enacted public acts that have since been repealed. Part 1100 duplicates rules relative to the ADA located at 4 Ill Adm Code 375. This duplication is a result of the merger of the Commissioner of Banks and Trust Companies and the Commissioner of Savings and Residential Finance to form the Office of Banks and Real Estate.

Questions/requests for copies/comments until 11/18/96: John Arthur,

OBRE, 500 W. Monroe, Ste. 900, Springfield IL 62701-1532, 217/782-3000.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID proposed amending "Assistance Standards" (89 Ill Adm Code 111) to effect a 2.7% increase in assistance payments, effective 1/1/97, to offset the 2.7% increase in the consumer price index during the previous fiscal year.

Questions/requests for copies/comments until 11/18/96: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E, 3rd Fl., Springfield IL 62762, 217/524-0081.

TAXES

The DEPARTMENT OF REVENUE proposed amendments to rules entitled "Hotel Operators' Occupation Tax Act" (86 Ill Adm Code 480) to clarify that in the definition of "permanent resident" as any person who occupies or has the right to occupy hotel accommodations for 30 or more consecutive days, such occupancy or right to occupy may pertain to different rooms. Small businesses affected by this rulemaking include hotels, motels, rooming houses and inns.

Questions/requests for copies/comments until 11/18/96: Jerilynn T. Gorden, DOR, 101 W. Jefferson, Springfield IL 62708, 217/782-6996.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 10/15/96 JCAR meeting.

DEPARTMENT OF PUBLIC AID

"Medical Payment" (89 Ill Adm Code 140) proposed 8/2/96 (20 Ill Reg 10286)

DEPT OF TRANSPORTATION

Repeal of "Employee Commute Options" (92 Ill Adm Code 600) proposed 8/9/96 (20 Ill Reg 10583)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Acquisition, Management and Disposal of Real Property" (44 Ill Adm Code 5000) proposed 11/13/95 (19 Ill Reg 15294)

HEALTH FACILITIES PLANNING BOARD

"Narrative and Planning Policies" (77 Ill Adm Code 1100) proposed 3/15/96 (20 Ill Reg 4141)

"Permit Application Fees" (77 Ill Adm Code 1190) proposed 7/12/96 (20 Ill Reg 8948)

"Processing, Classification Policies and Review Criteria" (77 Ill Adm Code 1110) proposed 3/15/96 (20 Ill Reg 4149)

"Narrative and Planning Policies" (77 Ill Adm Code 1100) proposed 7/19/96 (20 Ill Reg 9470)

STATE BOARD OF ELECTIONS

"Miscellaneous" (26 Ill Adm Code 207) proposed 4/19/96 (20 Ill Reg 5763)

STATE BOARD OF EDUCATION

"Student Records" (23 Ill Adm Code 375) proposed 7/5/96 (20 Ill Reg 8607)

"Regional Offices of Education and Intermediate Services" (23 Ill Adm Code 525) proposed 7/5/96 (20 Ill Reg 8585)

"Charter Schools" (23 Ill Adm Code 650) proposed 7/12/96 (20 Ill Reg 8807)

"Public Schools Evaluation, Recognition and Supervision" (23 Ill Adm Code 1) proposed 6/28/96 (20 Ill Reg 8419)

ILLINOIS STUDENT ASSISTANCE COMMISSION

"Alternative Loan Program" (23 Ill Adm Code 2721) proposed 6/14/96 (20 Ill Reg 7793)

"Illinois Incentive for Access (IIA) Program" (23 Ill Adm Code 2736) proposed 8/2/96 (20 Ill Reg 10315)

DEPARTMENT OF THE LOTTERY

"Lottery (General)" (11 Ill Adm Code 1770) proposed 6/21/96 (20 Ill Reg 8174)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13704 - OCTOBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

548.02
LL6x

The Flinn Report

DOC

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

October 11, 1996

Issue 41

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

OCT 29 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

ENVIRONMENTAL LAB FEES

The ENVIRONMENTAL PROTECTION AGENCY adopted a new Part entitled "Environmental Laboratory Certification Fee Rules" (35 Ill Adm Code 185), effective 9/24/96, to implement the Environmental Laboratory Fee Certification Program. Topics covered include the determination and collection of an annual administrative assessment and laboratory certification assessments from environmental laboratories for public water supply analyses, water pollution analyses, and for hazardous and other waste parameters. No certification assessment will be due from a unit of State or municipal government that analyses public water supplies. Changes in this rulemaking since its proposal include adding definitions for inorganic and organic parameters, as well as defining and further clarifying the "anniversary date of the initial certification" for payment of the annual administrative assessment and each certification assessment. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include environmental laboratories that desire to be certified.

Questions/requests for copies: Stephen C. Ewart, EPA, 2200 Churchill Rd., PO Box 19276, Springfield IL 62794-9276, 217/782-5544.

INCOME TAXES

The DEPARTMENT OF REVENUE adopted an amendment to "Income Tax" (86 Ill Adm Code 100), effective 9/27/96, to set forth the procedure for making an election to forgo the net operating loss carryback period. Such election shall be made on the taxpayer's return for the taxable year of the net loss and shall be made by the due date (including extensions) for filing the return. Any small business that sustains an Illinois net operating loss may be affected by this rulemaking.

Questions/requests for copies: Keith Staats, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "Pay Plan" (80 Ill Adm Code 310) by peremptory rulemaking,

(cont'd next page)

MEDICAID

The DEPARTMENT OF PUBLIC AID proposed a new Part entitled "MediPlan Plus" (89 Ill Adm Code 142) to establish a managed care program for Medicaid recipients in response to Public Act 88-554. According to the Department, the new program will serve approximately 1.1 million Medicaid clients. Topics covered include eligible providers, eligible enrollees, covered services, rates and payment schedules, reporting requirements, quality assurance, grievance procedures, and sanctions. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include county health departments, Cook County Bureau of Health Services, school districts that operate student clinics or provide services such as speech therapy for children on Medicaid, hospitals, clinics, physicians, pharmacists, and other health care entities under Medicaid.

PUBLIC AID OVERPAYMENTS

DPA also proposed an amendment for "Aid to Families with Dependent Children" (89 Ill Adm Code 112) to specify that all child care overpayments made to a client or a client's child care provider will be recovered or recouped, including recovery from clients not currently receiving assistance. Small businesses, small municipalities, and not-for-profit corpo-

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/RULE TEXT/COMMENTS: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

effective 9/24/96, to add the new position of Lottery Telemarketing Representative (\$1,660-2,287/mo.). The salary range for Boiler Safety Specialist is also increased to \$3,660.53-4,481.04/month. Additionally, the Vehicle Testing Compliance Officer title is replaced by the Vehicle Compliance Inspector, but the Department advises that the salary range published for this position is in error. The correct salary range will be published in an upcoming issue of the *Illinois Register*.

Questions/requests for copies: Michael Murphy at the DCMS address below.

FOOD STAMPS

The DEPARTMENT OF PUBLIC AID adopted amendments to "Collections and Recoveries" (89 Ill Adm Code 165) and "Food Stamps" (89 Ill Adm Code 121) by emergency rulemaking, effective 10/1/96, for a maximum of 150 days. Identical proposed rulemakings appear in this issue of the *Illinois Register*. Both Parts are amended to comply with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, enacted 8/22/96. Part 165 amendments provide that (1) the earned income deduction will not be allowed when the amount of an overpayment is calculated if the food stamp household failed to report the earned income; (2) when a food stamp household has an agency error overpayment, the reduction amount will be the greater of \$10 or 10% of the household's monthly benefit amount;

and (3) the monthly benefit amount will be reduced without further notice if a currently participating household fails to respond within 10 days (currently 30) after the mailing date of an initial demand letter for repayment of an intentional program violation, an inadvertent household error, or an administrative error claim. Part 121 amendments strike the provision of expedited food assistance based upon homelessness. New subsections categorize eligible non-citizens as (1) those (including their children and spouses) with 40 quarters of work; (2) honorably discharged veterans and persons on active duty and their dependents; and (3) those who qualify for a limited time such as refugees, asylees, and those whose deportations have been withheld under certain circumstances. Persons not within the eligible categories above who were receiving food stamps on 8/22/96 shall not be terminated based on citizenship until the next recertification period before 8/22/97. The penalty amount imposed for failure to comply with a government cash assistance program is considered available unearned income in determining eligibility and coupon allotment. Earned income, other than training allowances or educational grants, of an elementary or secondary school student under age 18 is exempt. Maximum net monthly income standards for food stamp eligibility, the gross monthly income eligibility standards, and the maximum monthly food stamp benefit amount have been increased. In computing deductions from monthly income to

determine the adjusted net monthly food stamp income, the client may switch between the standard utility allowance and actual utility costs only at recertification. Fleeing felons and probation/parole violators are made ineligible to receive food stamp benefits. Also, disqualification for intentional violation of the Food Stamp Program is increased from 6 to 12 months for the first violation and from 12 to 24 months for a second violation. Persons convicted of trafficking food stamp benefits of \$500 or more are permanently disqualified, and persons convicted of falsifying identity or residence to receive more than one food stamp issuance at a time are disqualified for 10 years.

Questions/requests for copies/comments concerning the 2 proposed rulemakings until 11/25/96: Judy Umunna at the DPA address below.

RULES CORRECTION

The DEPARTMENT OF INSURANCE published a notice of expedited correction, effective 7/26/96, for "Preferred Provider Program Administrators" (50 Ill Adm Code 2051) to correct the title of subchapter z to read "Accident and Health Insurance". This rulemaking was originally adopted at 20 Ill Reg 9960.

Questions/requests for copies: Denise Hamilton, DOI, 320 W. Washington, Springfield IL 62767, 217/785-8560.

Proposed Regulations

rations affected by this rulemaking include child care providers.

Questions/requests for copies/comments concerning the 2 rulemakings above until 11/25/96: Joanne Jones for Part 142 and Judy Umunna for Part 112, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to "Pay Plan" (80 Ill Adm Code 310) to change the base salary for initial entry into state employment from Step 1a to Step 1c in the Schedule of Salary Grades; change the legislated and contracted rate for an arbitrator's annual salary from \$70,666 to \$79,999; increase the Department of Insurance Senior Public Service Administrator annual salary from \$94,274 to \$97,100 and abolish the public service administrator category for DNR. The rulemaking also corrects the out-of-state or foreign service rates for Revenue Auditor III, corrects the 1996 rate for Maintenance Equipment Operator (Dispatcher), and adds the Telecommunicator Specialist (\$2,153-3,060) and Telecommunicator Lead Specialist (\$2,373-3,399) titles to the AFSCME clerical employees collective bargaining unit.

Questions/requests for copies/comments until 11/25/96: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

MOTOR CARRIERS

The ILLINOIS COMMERCE COMMISSION proposed adding a new section to "Financial Responsibility of Carriers" (92 Ill Adm Code 1425) to clarify that it will now accept electronic filings of proof of insurance or bond coverage from insurance companies and that the electronic filings will bind the companies in the same manner as the previously-required paper filings. Small businesses, small municipalities, and not-for-profit corporations

affected by this rulemaking include motor carriers of property.

Questions/requests for copies/comments until 11/25/96: Kathy Campbell, ICC, 527 E. Capitol Ave., Springfield IL 62706, 217/785-1018.

HEARING AIDS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Hearing Aid Consumer Protection Code" (89 Ill Adm Code 682) to reflect changes in the Hearing Instrument Consumer Protection Act. The rulemaking adds a 30-business-day return period during which the consumer may return a hearing instrument, requires hearing instrument businesses to register with DPH prior to conducting business in Illinois, requires certain disclosures for mail orders, and limits the allowable activities of unlicensed hearing instrument manufacturer representatives. Also, temporary licenses are abolished, licensed audiologists are exempted from the written exam required for a hearing instrument dispenser license, and record transfer and public notice are required upon the closing of a hearing instrument dispenser's business. Supervisory requirements for audiology students are clarified, and dispensers with expired licenses are required to retake the dispenser licensure exam after 2 years (currently 5 years) of nonpractice. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include retail hearing instrument firms and licensed hearing instrument dispensers.

WIC VENDORS

DPH proposed amendments for "WIC Vendor Management Code" (77 Ill Adm Code 672) to add limited liability companies to those who may apply for WIC vendor authorization, remove the \$6,000 cap on the total fine that may be assessed in any one notice, and make failure to maintain the minimum required amount of infant formula (currently 2 or fewer foods) a Class B

violation. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include WIC vendors.

LEAD POISONING

The DEPARTMENT OF PUBLIC HEALTH also proposed amendments for "Lead Poisoning Prevention Code" (77 Ill Adm Code 845) to amend the current requirement that all children under age 7 show proof of a blood test for lead poisoning prior to day care, preschool, or kindergarten entry. The proposed amendments require children residing in high risk areas to have blood tests and children in low risk areas to provide information through Childhood Lead Risk Assessment Questionnaires. The questionnaire could also be used to evaluate older children. Directors of clinical laboratories are required to report all instances of lead in the blood rather than just lead over a certain level, and a new section is added to specify confidentiality requirements for, and accessibility to, lead poisoning data. The rulemaking also adds minimum requirements for building inspections, requires risk assessors to be licensed after 10/31/97, adds lead training course application and renewal fees, updates incorporation of federal HUD guidelines to 1995, removes a chemical spot test from compliance testing options, and amends data reporting procedures. An exhibit concerning reports by delegate agencies on environmental inspections and provisions for lead paint testing with a "portable x-ray fluorescence lead in paint analyzer" are repealed. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include lead inspectors and risk assessors, physicians, health clinics, and laboratories that conduct lead screening and testing.

Questions/requests for copies/comments concerning the 3 DPH rulemakings above until 11/25/96: Gail M. DeVito, DPH, 535 W. Jefferson, Springfield IL 62761, 217/782-6187.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 10/15/96 JCAR meeting with the exception of the Department of Revenue rules, which will be considered at the 11/19/96 meeting.

DEPARTMENT OF NATURAL RESOURCES

"Consignment of Licenses, Stamps and Permits" (17 Ill Adm Code 2520) proposed 8/9/96 (20 Ill Reg 10533)

DEPT OF TRANSPORTATION

"Qualification of Drivers" (92 Ill Adm Code 391) proposed 8/16/96 (20 Ill Reg 10820)

"Parts and Accessories Necessary for Safe Operation" (92 Ill Adm Code 393) proposed 8/16/96 (20 Ill Reg 10817)

"Driving of Motor Vehicles" (92 Ill Adm Code 392) proposed 8/16/96 (20 Ill Reg 10787)

"Inspection, Repair and Maintenance" (92 Ill Adm Code 396) proposed 8/16/96 (20 Ill Reg 10796)

"Driving and Parking" (92 Ill Adm Code 397) proposed 8/16/96 (20 Ill Reg 10784)

"Hours of Service of Drivers" (92 Ill Adm Code 395) proposed 8/16/96 (20 Ill Reg 10790)

DEPARTMENT OF PUBLIC AID

"Medical Payment" (89 Ill Adm Code 140) proposed 7/12/96 (20 Ill Reg 8939)

DEPARTMENT OF REHABILITATION SERVICES

"Admission, Suspension, Expulsion and Discharge Procedures" (89 Ill Adm Code 755) proposed 7/12/96 (20 Ill Reg 8955)

"Non-Academic Programs and Policies" (89 Ill Adm Code 830) proposed 6/21/96 (20 Ill Reg 8258)

DEPARTMENT OF REVENUE

"Retailers' Occupation Tax" (86 Ill Adm Code 130) proposed 7/5/96 (20 Ill Reg 8626)

"Service Occupation Tax" (86 Ill Adm Code 140) proposed 7/5/96 (20 Ill Reg 8637)

"Use Tax" (86 Ill Adm Code 150) proposed 7/5/96 (20 Ill Reg 8649)

"Service Use Tax" (86 Ill Adm Code 160) proposed 7/5/96 (20 Ill Reg 8644)

"Retailers' Occupation Tax" (86 Ill Adm Code 130) proposed 7/12/96 (20 Ill Reg 8961)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13740 - OCTOBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

510-02
ILGX

The Flinn Report

DOC.

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

October 18, 1996

Issue 42

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

MAR 17 1997

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

DMHDD HEARINGS

The DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES adopted amendments to "Administration" (59 Ill Adm Code 101), effective 10/10/96. A new section specifies procedures applicable to most DMHDD hearings. Topics covered include definitions, representation, notice, preliminary review, administrative law judges, pre-hearing conferences, discovery, evidence, decisions, appeals, and waivers. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those providing mental health or developmental disabilities services licensed or certified by DMHDD.

Questions/requests for copies: Judith Hollenberg at the DMHDD address below.

STATE POLICE

The DEPARTMENT OF STATE POLICE MERIT BOARD adopted an amendment for "Procedures of the Department of State Police Merit Board" (80 Ill Adm Code 150), effective 10/3/96, to specify that the Merit Board

will administer the polygraph testing rather than the medical examinations for State Police applicants. According to the Board, medical examinations are now administered by the Illinois State Police, and polygraph testing is being moved from the State Police to the Board. Emergency amendments to this effect were adopted 6/4/96.

Questions/requests for copies: James E. Seiber, DSPMB, 3180 Adloff Lane, Ste. 100, Springfield IL 62703, 217/786-6240.

CURRENCY EXCHANGES

The DEPARTMENT OF FINANCIAL INSTITUTIONS adopted amendments to "Schedule of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges" (38 Ill Adm Code 130), effective 10/1/96, to increase the maximum allowable check-cashing rate charged by community and ambulatory currency exchanges, beginning 1/1/97. For checks of \$500 or less, the rate increases from 1.2% to 1.4% of face value, and the ninety-cent service charge remains unchanged. For larger checks, a new rate of 1.85% (cont'd next page)

TRUCKING FEES

The ILLINOIS COMMERCE COMMISSION proposed an amendment to "Fees and Taxes" (92 Ill Adm Code 1205) to change commercial transportation filing fees and annual vehicle fees until 1/1/98. Some fees are lowered or eliminated, and other fees' expiration dates are extended until 12/31/97. ICC states that the rulemaking will temporarily lower trucking fees pending Federal Highway Administration changes to the Single State Registration System. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those engaged in the for-hire transport of property in Illinois intrastate commerce.

Questions/requests for copies/comments until 12/2/96: Kathy Campbell, ICC, 527 E. Capitol Ave., Springfield IL 62706, 217/785-1018.

SENIOR CARE

The DEPARTMENT ON AGING proposed amending "Community Care Program" (89 Ill Adm Code 240) to increase the maximum monthly payment levels for homemaker services and adult day care services. A listing of minimum adult day care units/week for various levels of DON score is repealed. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include Community Care Program providers. (cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/RULE TEXT/COMMENTS: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

is added. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include currency exchanges and their customers.

Questions/requests for copies: M. Rose Kelly, DFI, 100 W. Randolph, Ste. 15-700, Chicago IL 60601, 312/814-2008.

ALCOHOLISM AND SUBSTANCE ABUSE

The DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE repealed 2 Parts entitled "Driving Under the Influence Programs" (77 Ill Adm Code 2056) and "Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs" (77 Ill Adm Code 2058), effective 10/3/96. DASA also adopted 2 new Parts entitled "Alcoholism and Substance Abuse Treatment and Intervention Licenses" (77 Ill Adm Code 2060) and "Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs" (77 Ill Adm Code 2057), effective 10/3/96. Most of the subject matter of the 2 repealed Parts is covered under new Part 2060. According to DASA, new treatment program requirements, early intervention programs for DUI drivers, and minimum standards for recovery homes are significantly changed. The BASSET program provisions of repealed Part 2056 are moved to the new Part 2057, except mandatory attendance of all instructors at a DASA training session is eliminated. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those providing substance abuse treatment or intervention services and those liquor license holders, alcohol distributors, training organizations, or

others that provide BASSET programs.

Questions/requests for copies of the 4 rulemakings above: Norma J. Seibert, DASA, 222 S. College, 2nd Fl., Springfield IL 62704, 217/782-0685, TDD 217/524-5103.

PROPERTY TAX

The DEPARTMENT OF REVENUE adopted amendments to "Property Tax Code" (86 Ill Adm Code 110), effective 10/3/96, to update statutory references and change form prefixes from PTAB to PTAX to eliminate confusion with form prefixes used by the Property Tax Appeals Board. The rulemaking requires smaller railroads to provide assessment information equivalent to that required from larger railroads; requires all railroad companies to file the location and legal description of their track, improvements, trackage rights, operating property off the right-of-way, and non-carrier real estate with the Department; and provides a 50% penalty for failure to timely file property documentation. Other amended topics include non-homestead exemption proceedings, oil right lessees and producers, reports filed with the Department by county officials, hearings and records of chief county assessment officers, assessment reviews in counties of 3,000,000 or more, and board of review procedures and records in counties of less than 3,000,000. The rulemaking also amends practice and procedure for property tax hearings, record reproduction fees, appointment or election of board of review members after examination, multi-township assessment districts in 3 counties, farmland assessment review procedures, assessors' bonuses, equalization by chief county assessment officers in

counties with less than 3,000,000 inhabitants, supervisor of assessment examination, and property tax extension limitation. Changes in this rulemaking since its proposal include lengthening the time period for making written reports of DOR decisions to applicants and deleting references to the Interim Board of Review. Small businesses, small municipalities, and not-for-profit corporations may be affected by these amendments.

Questions/requests for copies: Jerry Lanter, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6336.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted amendments to "Food Stamps" (89 Ill Adm Code 121) by emergency rulemaking, effective 10/8/96, for a maximum of 150 days. Identical proposed amendments appear in this issue of the *Illinois Register*. Effective 10/1/96, the date the federal minimum wage was increased to \$4.75 per hour, an individual participating in Earnfare will be able to earn a maximum of \$261 per month. Effective 9/1/97, an individual participating in Earnfare will be able to earn a maximum of \$294 per month. Small businesses, small municipalities and not-for-profit corporations affected by this rulemaking include those providing employment to Earnfare participants.

Questions/requests for copies/comments concerning the proposed rulemaking until 12/2/96: Judy Umunna, Bureau of Rules and Regulations, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

Proposed Regulations

Questions/requests for copies/comments until 12/2/96: Pamela W. Balmer, DoA, 421 E. Capitol Ave., #100, Springfield IL 62701-1789, Attn: Maximum Payment Levels, 217/785-3346.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments for "Auto Liability" (80 Ill Adm Code 3100) to replace agency, board, and commission accident review committees with DCMS claims adjusters from the Division of Risk Management Auto Liability Unit. The rulemaking transfers a review committee's responsibility to review relevant evidence and determine whether a State employee is "at fault" if he or she has an auto accident in a State vehicle while on State business to a DCMS claims adjuster. Also, only accidents causing over \$500 in personal or property damage would be counted toward the calculation of employee warning status or probation. The rulemaking also requires that warning status last a full year, but makes certain disciplinary action against an employee who has another accident while on probation discretionary rather than mandatory.

Questions/requests for copies/comments until 12/2/96: Stephen W. Seiple, 720 Stratton Bldg., Springfield IL 62706, 217/782-9669.

PUPIL TRANSPORTATION

The STATE BOARD OF EDUCATION proposed amending "Pupil Transporta-

tion Reimbursement" (23 Ill Adm Code 120) to require a school district that owns its own school buses and employs drivers to calculate its fully allocated costs for transportation if such a calculation is necessary to permit comparison of the district's costs with those of vendors wanting to bid on transportation contracts. Topics covered include cost allocation methods and categories, labor and personnel costs, employee benefits, maintenance and supplies, utilities, insurance, capital assets, taxes and fees, miscellaneous expenses, depreciation, opportunity costs and future cost projections. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include transportation contractors.

Questions/requests for copies/comments until 12/2/96: Sally Vogl, ISBE, 100 N. 1st St., Springfield IL 62777, 217/782-0541.

MENTAL HEALTH

The DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES proposed amendments for "Minimum Standards for Licensure of Community Residential Alternatives" (59 Ill Adm Code 113), "Standards and Licensure Requirements for Community-Integrated Living Arrangements" (59 Ill Adm Code 115), and "Minimum Standards for Certification of Developmental Training Programs" (59 Ill Adm Code 119). All 3 Parts specify that hearings will be conducted in accordance with new hearings rules adopted in this issue of the *Illinois Register* at 59 Ill Adm Code

101.70. Small businesses, small municipalities, and not-for-profit corporations affected by these 3 rulemakings include agencies that operate licensed community-integrated living arrangements, community residential alternatives, or certified developmental training programs.

DMHDD also proposed amendments for "Treatment and Habilitation Services" (59 Ill Adm Code 112) to specify that the physical examinations given to mentally ill or developmentally disabled persons admitted to DMHDD shall include a visual check of the oral cavity, and referral to a dentist or dental hygienist shall be completed if clinically indicated. For mentally ill persons, the follow-up dental exam is changed from 30 days following admission to 6 months following admission. The 30-day time frame remains unchanged for developmentally disabled persons. The rulemaking also updates various standards currently incorporated by reference from national health care organizations.

Questions/requests for copies/comments concerning the 4 rulemakings above until 12/2/96: Judith Hollenberg, DMHDD, 401 Stratton Bldg., Springfield IL 62765, 217/785-3313, FAX 217/524-0835.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 11/19/96 JCAR meeting.

DEPARTMENT OF AGRICULTURE

"Livestock Auction Markets" (8 Ill Adm Code 40) proposed 7/12/96 (20 Ill Reg 8790)

"Animal Diagnostic Laboratory Act" (8 Ill Adm Code 110) proposed 7/12/96 (20 Ill Reg 8746)

"Bovine Brucellosis" (8 Ill Adm Code

75) proposed 7/12/96 (20 Ill Reg 8752)

"Livestock Dealer Licensing" (68 Ill Adm Code 610) proposed 7/12/96 (20 Ill Reg 8795)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13797 - OCTOBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

48.02
L6X

The Flinn Report

Doc.

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

October 25, 1996

Issue 43

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

NOV 07 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

PROPERTY TAX

The DEPARTMENT OF REVENUE adopted a new section for "Property Tax Code" (86 Ill Adm Code 110), effective 10/3/96. An identical emergency rulemaking was adopted 5/21/96. The rulemaking implements pre-election and pre-appointment qualifications for township and multi-township assessors, provides for an assessor education certification process, and specifies procedures for qualification revision by the Department.

Questions/requests for copies: Jerry Lanter, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

RADIOACTIVE WASTE

The DEPARTMENT OF NUCLEAR SAFETY adopted a new Part entitled "Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste" (32 Ill Adm Code 609), effective 10/11/96, to regulate facilities that collect, store, treat, or dispose of low-level radioactive waste; maintain a data base that tracks all such waste; and implement various statutory requirements concerning

radioactive waste management. Topics covered include definitions, prohibited activities, permit and transaction reference numbers, reporting, penalties, exemptions, and appeals. Changes in this rulemaking since its proposal include changing the term of a transaction reference number from a maximum of 30 calendar days to 6 months. The requirement that applicants for a Transaction Reference Number notify the Tracking System Operator (TSO) of changes in information formerly provided to the TSO has been changed to require written rather than immediate notification. Sending a telefax copy of the shipment manifest followed later by transmittal of EDT file information is acceptable when the tracking system is not functioning. Persons sending a shipment of waste shall provide the transaction reference number to the receiving facility either verbally or in writing rather than in writing only, as proposed. Additionally, an identification number has been provided for shipping containers categorized as "radioactive material, surface contaminated object". Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those operating hospitals, manufacturing sealed

(cont'd next page)

UNDERGROUND STORAGE TANKS

The POLLUTION CONTROL BOARD proposed amendments for "Petroleum Underground Storage Tanks" (35 Ill Adm Code 732) to reflect statutory requirements of Public Act 89-457, which became effective in May. New sections are added concerning site classification by exclusion of human exposure pathways and "no further remediation" letter issuance and recording requirements. Appendix B is amended to add lists labeled "additional parameters" of volatiles, base/neutrals, polynuclear aromatics, metals, acids, and pesticides. Also, a table concerning backfill volumes is added. Current tables and illustrations concerning groundwater and soil remediation objectives, methodologies, and various groundwater equations are repealed. Other topics covered include adding 4 types of underground storage tanks that are excluded from the rule requirements, defining "stratigraphic unit", updating incorporations by reference, adding groundwater investigation requirements, setting time limits within which an owner or operator shall respond to a petroleum release, and allowing certain actions to be deferred by an owner or operator until UST funds are available. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those with leaking underground storage tanks.

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/RULE TEXT/COMMENTS: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

sources and devices, or providing radiochemical laboratory analyses.

Questions/requests for copies: Thomas J. Carlisle, DNS, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9884, TDD 217/782-6133.

CHILD SUPPORT ENFORCEMENT

The DEPARTMENT OF PUBLIC AID adopted amendments by emergency rulemaking to rules entitled "Child Support Enforcement" (89 Ill Adm Code 160), effective 10/15/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The amendments develop a process for voluntary acknowledgment of paternity and implement a statewide paternity establishment demonstration program. McLean County applicants and recipients will be randomly assigned to (1) an experimental treatment group, (2) a

non-experimental treatment group, or a (3) control group. Applicants outside McLean County will be assigned to the non-experimental treatment group. The voluntary acknowledgment of paternity process allows parents to establish paternity by signing an acknowledgment of paternity and also permits a mother and presumed father to sign a denial of paternity. DPA is required to notify the Department of Public Health of voluntary acknowledgments of paternity. DPA must notify responsible relative(s) or custodial parent(s), in writing, of cooperation requirements and possible sanctions for failure to comply. Cooperation requirements include submitting to court or administratively-ordered genetic testing (previously court-ordered blood testing), appearing for administrative and judicial proceedings, and furnishing identifying information related to the alleged father. Sanctions for non-cooperation without good

cause include excluding the custodial parent from the assistance grant and terminating the non-marital child's portion of the family's cash assistance benefits. If the court has not previously acquired jurisdiction, the administrative process will establish parentage; and when a default administrative paternity order is issued, the defaulting party will be advised of the conditions under which the order can be vacated. Terms of administrative support orders entered by default shall be based on the greater of the child's portion of the cash assistance grant or the needs of the child.

Questions/requests for copies/comments concerning the proposed rulemaking until 12/9/96: Judy Umunna, Bureau of Rules and Regulations, DPA, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

Proposed Regulations

Questions/requests for copies/comments until 12/9/96: Dorothy Gunn, Clerk, or Marie Tipsord, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931.

OIL AND GAS

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to rules entitled "The Illinois Oil and Gas Act" (62 Ill Adm Code 240) to reflect that the Department of Mines and Minerals is now a part of DNR and to include recent statutory changes and other revisions. Ten new sections are added concerning various permit revocations, water well conversion, drilled out plugged hole notification, existing pit exemptions, liquid oilfield waste transportation, extension of future use status, emergency projects, gas storage and observation wells, and definitions. Forty-seven other sections are extensively amended. Small businesses affected by this rulemaking include oil and gas permittees.

Questions/requests for copies/comments until 12/9/96: Alfred L. Clayborne, DNR, 524 S. 2nd St., Springfield IL 62701, 217/782-1809. A public hearing has been scheduled for 10:00 a.m. on 11/12/96 at the Ramada Hotel, Derrick Rm., 222 Potomac Blvd., Mt. Vernon.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID proposed amending "Demonstration Programs" (89 Ill Adm Code 170) to expand statewide the AFDC demonstration project for quarterly rather than monthly income reporting. However, applicants and recipients in the Auburn Park and Williamson local offices will be divided between demonstration and control groups; and Rock Island, Champaign, and Lake local offices will not be included in the statewide demonstration. The rulemaking also states that the value of one vehicle will be disregarded for AFDC eligibility determination purposes except for

applicants and recipients in the Auburn Park and Williamson control groups.

DPA also proposed an amendment to "Food Stamps" (89 Ill Adm Code 121) to add "Category P3" assistance recipients (disability-related medical assistance under Medicaid) to the list of household members who may qualify a household for increased benefits. The rulemaking also specifies that benefit recipients under the Aid to the Aged, Blind or Disabled Program who are currently excluded from monthly reporting will not be excluded if another household member is required to report monthly. Concerning retrospective budgeting, an amendment states that shelter costs shall be prospectively budgeted for households.

Questions/requests for copies/comments concerning the 2 rulemakings above until 12/9/96: Judy Umunna at the DPA address above.

Proposed Regulations

UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY proposed amendments to "Determination of Unemployment Contributions" (56 Ill Adm Code 2770) to add the 1997 contribution rates for newly liable employers by classification within their Standard Industrial Code. Also, obsolete rates for 1991 are deleted. All small businesses, small municipalities and not-for-profit corporations will be affected by this rulemaking.

IDES also proposed adding a new Section to "Disqualifying Income and Reduced Benefits" (56 Ill Adm Code 2920) to establish procedures and set deduction priorities to implement an individual's voluntary election to withhold 15% of unemployment benefits for payment of potential federal income tax liability.

Questions/requests for copies/comments concerning the 2 rulemakings above until 12/9/96: Gregory J. Ramel, IDES, 401 S. State St., 2nd Fl. S., Chicago IL 60605, 312/793-4240.

LITERACY GRANTS

The SECRETARY OF STATE pro-

posed amendments to rules entitled "Literacy Grant Program" (23 Ill Adm Code 3040) to provide that certain application requirements be made available by the Illinois State Library by 1/15 (previously 3/15) of each year and to change various grant application deadlines. Proposed amendments relating to payment of grant funds delete the requirement that funds be divided into 3 payments consisting of 60% for the first installment with the balance, minus a 10% holdback amount, paid in the second and third installments. The definition of business is amended to include limited liability companies, also. Other amendments require, rather than recommend, that professionally accepted tests of English as a second language (ESL) be used in ESL projects, and educational skills assessments will not necessarily measure grade levels. Small municipalities and not-for-profit corporations applying for literacy grants may be affected by this rulemaking.

Questions/requests for copies/comments until 12/9/96: Kathleen L. Bloomberg, Illinois State Library, 300 S. 2nd St., Springfield IL 62701-1796, 217/785-0052, FAX 217/782-6062, Internet:kbloomb@library.sos.state.il.us

REHABILITATION

The DEPARTMENT OF REHABILITATION SERVICES proposed amendments to "Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)" (89 Ill Adm Code 679) and "Program Description" (89 Ill Adm Code 676). Part 679 increases the SCMs for individuals served under the Home Service Program (HSP) or the AIDS Medicaid waivers by 3%, based on the State fiscal year 1997 appropriation. Part 676 amendments require that individuals referred to the Department on Aging's Community Care Program services must have agreed to the referral.

Questions/requests for copies/comments concerning the 2 rulemakings above until 12/9/96: Susan Warrner, Regulations and Procedures Division, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

JCAR Meeting Action

At its 10/15/96 meeting, the Committee issued the following 2 Objections, 4 Objections with Filing Prohibitions, 2 Emergency Rule Objections with Suspensions, and 1 Notice of Failure to Remedy.

STATE BOARD OF EDUCATION

JCAR objects to "Regional Offices of Education and Intermediate Services" (23 Ill Adm Code 525) because the rulemaking includes statements that are in contradiction of Section 2-3.62 of the School Code.

DEPARTMENT OF LABOR

The Committee objects to rules entitled "Minimum Wage Law" (56 Ill Adm Code 210) because the Department has failed to provide standards governing what shall be considered

"good cause" in granting continuances of informal investigative conferences, contrary to Section 5-20 of the Illinois Administrative Procedure Act.

DEPARTMENT OF REVENUE

At its 6/25/96 meeting, JCAR objected to "General Rule for All Taxes" (86 Ill Adm Code 800) because the Department of Revenue in its rulemaking is unduly limiting the statutory right granted to taxpayers to "transmit, by facsimile, any return or document required to be filed by the Department under any Act administered by the

Department". The Department refused to modify the rulemaking in response to the JCAR objection, believing that a pilot program is in the best interests of taxpayers and DOR. While there may be merit to the Department's position that wide spread faxing may not be advisable at this time, the agency should endeavor to change the statute, not override it through rulemaking. Therefore, the Committee has voted to publish a Notice of Failure to Remedy the Objection in accordance with 1 Ill Adm Code 220.1300.

JCAR Meeting Action

IL COMMERCE COMMISSION

JCAR objects to and prohibits the filing of the following 4 rulemakings: "Arbitration Practice" (83 Ill Adm Code 761), "Approval or Rejection of Arbitrated Agreements" (83 Ill Adm Code 762), "Approval of Negotiated Agreements" (83 Ill Adm Code 763), and "Approval of

Statements for Generally Available Terms" (83 Ill Adm Code 764). The rules are unnecessarily burdensome for those parties subject to the rules, creating a threat to the public interest and welfare under Section 5-115 of the Illinois Administrative Procedure Act.

JCAR objects to and suspends emer-

gency rulemakings entitled "Arbitration Practice" (83 Ill Adm Code 761) and "Approval of Negotiated Agreements" (83 Ill Adm Code 763) because the rules are unnecessarily burdensome for those parties subject to the rules, creating a threat to the public interest and welfare under Section 5-125 of the Illinois Administrative Procedure Act.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 11/19/96 JCAR meeting.

DEPARTMENT OF AGRICULTURE

"Equine Infectious Anemia Control" (8 Ill Adm Code 116) proposed 7/12/96 (20 Ill Reg 8773)

"Illinois Pseudorabies Control Act" (8 Ill Adm Code 115) proposed 7/12/96 (20 Ill Reg 8777)

"Swine Disease Control and Eradication Act" (8 Ill Adm Code 105) proposed 7/12/96 (20 Ill Reg 8799)

DEPT OF NATURAL RESOURCES

"Operation of Watercraft Carrying Passengers for Hire on Illinois Waters" (17 Ill Adm Code 2080) proposed 8/30/96 (20 Ill Reg 11542)

"Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030) proposed 8/30/96 (20 Ill Reg 11537)

DEPARTMENT ON AGING

"Community Care Program" (89 Ill Adm Code 240) proposed 5/17/96 (20 Ill Reg 6613)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13843 - OCTOBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

**Illinois
Regulation**

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate
U.S. Postage
PAID
Springfield IL
Permit NO. 870

310.02
ILlx

The Flinn Report

DOC.

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

November 1, 1996

Issue 44

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

NOV 1 8 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

SECURITIES

The SECRETARY OF STATE adopted amendments to "Regulations Under the Illinois Securities Law of 1953" (14 Ill Adm Code 130), effective 10/21/96. Extensive amendments are adopted, including the repeal of 2 sections and the addition of 4 new sections. Addresses and fee schedules are updated (including 7 fee decreases and 1 increase), terms and procedures are defined or clarified, electronic registration and renewal of investment company products are recognized, filing procedures are provided for certain small issuers, filing requirements are simplified, and the Series 66 Examination is recognized. Also, dealers are required to provide written disclosures and advance notice to customers within 45 days prior to the imposition of any new custody service, maintenance or similar fee, as well as any changes to existing fees of that nature. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include small securities dealers and investment advisers or issuers.

Questions/requests for copies: Michael A. Chizmar, SOS, Illinois Securities

Department, 520 South Second, Ste. 200, Springfield IL 62701, 217/785-4930.

VOTER REGISTRATION

The STATE BOARD OF ELECTIONS adopted a new Part entitled "Registration of Voters" (26 Ill Adm Code 216) by emergency rulemaking, effective 10/22/96, for a maximum of 150 days, to implement the National Voter Registration Act of 1993 (NVRA). An identical proposed rulemaking also appears in this issue of the *Illinois Register*. The rulemaking provides (1) a set of procedures for registering voters irrespective of the kind of election; (2) a set of standards for removing voters from eligibility to vote; (3) a set of procedures for voting for only federal office by persons whose addresses have changed and for updating registration information of all voters who move from one precinct to another within the election jurisdiction; (4) forms to facilitate both the registration of voters and the maintenance of voter eligibility lists; and (5) requirements and procedures for recordkeeping under NVRA. The voter registration procedures set out in the new Part are

(cont'd next page)

COUNTY JAILS

The DEPARTMENT OF CORRECTIONS proposed amendments to "County Jail Standards" (20 Ill Adm Code 701). New sections are proposed pertaining to juvenile detention standards and temporary detention standards. The definition of "detention standards and services unit" is redefined as the "jail and detention standards unit", and reference to the Bureau of Inspections and Audits is changed to the Division of Support Services. Extensive amendments are proposed regarding jail administration, staff training and documentation, reporting requirements, and staffing of medical facilities in jails. Other topics covered include admission, classification, housing, supervision, transfer and release procedures; code of conduct defining behavioral and ethical standards; unlawful discrimination and harassment of employees, detainees, and other persons within the jail; strip-searches; cell assignment; and separation of detainees by category (i.e., age, sex, witness, non-criminal, mentally or emotionally disturbed or impaired). A provision stating that known homosexuals shall be housed separately is stricken. Amendments are also proposed regarding abandoned property; physical assessments; medical and health care (including administration of medications); clothing, personal hygiene, sanitation, and grooming; food services; expungement of booking and

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/RULE TEXT/COMMENTS: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

in addition to means provided in the Election Code for registering to vote in all elections and do not affect the voter registration of persons already registered to vote in Illinois, except to redefine the circumstances under which a voter loses his or her eligibility to vote. Topics covered include applicability, definitions, receipt of voter registration applications, main-

taining voter records, canceling voter registrations, forms, processing voter registration applications, documenting transactions, voting, and chief state election official designation. Exhibits are added to show forms concerning voter registration application, voter registration information and application transmittal, registration disposition, the voter identification card, address

confirmation, registration deadline notice, and address correction for a "fail safe voter".

Questions/requests for copies/comments concerning the proposed rulemaking until 12/16/96: A. L. Zimmer, State Board of Elections, 100 W. Randolph, Ste. 14-100, Chicago IL 60601, 312/814-6477.

Proposed Regulations

personal record information; security; safety; discipline and penalty imposition; detainee employment, mail, telephone use, and visitation; social service programs; education; library facilities and access; commissary prices; and recreation and leisure time.

Questions/requests for copies/comments until 12/16/96: Donald N. Snyder, Jr., DOC, 1301 Concordia Court, Springfield IL 62794-9277, 217/522-2666, x2082.

POLLUTION

The POLLUTION CONTROL BOARD proposed amendments to rules entitled "Definition and General Provisions" (35 Ill Adm Code 211) to add perchloroethylene, also known as tetrachloroethylene, to the list of compounds exempted from the definition of volatile organic material (VOM) or volatile organic compound (VOC) to correspond with 1996 federal regulations. Small businesses affected by this rulemaking include those engaged in activities that cause the emission of VOM or VOC.

Requests for copies/comments until 12/16/96: Dorothy M. Gunn, Clerk, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931. Comments should reference Docket R96-16. Questions: Michael J. McCambridge 312/814-6924. A public hearing is scheduled at 1:30 p.m. on 11/20/96 at the address above.

CHARITABLE GAMES

The DEPARTMENT OF REVENUE proposed amendments to rules entitled "Charitable Games Act" (86 Ill Adm Code 435) to make changes in definitions, allowable charitable games, supplier's and provider's licenses, operation of and reporting requirements for charitable games events, and restrictions and limitations on conducting charitable games. Civil penalties for violations include confiscation and forfeiture of gross proceeds, as well as fines of up to \$250 plus penalties for each separate violation. Additionally, penalties for noncompliance may include suspension, revocation or denial of a license. Game-specific rules are added for poker and blackjack. Proposed amendments delete the definition of cash, amend the definitions of chips and licensee, and add definitions for consultant company, currency, person, qualified organization, sponsoring organization and volunteer. The amendments clarify that bingo licenses must be obtained from DOR, and raffle licenses must be obtained from the licensing county or municipal government. Licensees must notify DOR of changes in officers within 30 days. Sponsoring organizations may accept credit cards for the purchase of chips. DOR no longer requires certified checks or money orders for payment of application fees, and no fee is required to amend a license. Charitable game events using cash prizes may ex-

change a maximum of \$250 per person in chips, script, or play money for currency. Local fraternal mutual benefit organizations chartered at least 40 years are added to the list of organizations allowed to raise funds by conducting charitable games. No one other than the sponsoring organization of charitable games must have a proprietary interest in the game promoted, and only the sponsoring organization may make a determination that equipment is working improperly and that a game will, consequently, be shut down. Applications for charitable games licenses must be prepared by the prospective licensee or its power of attorney, signed by the presiding officer, and attested by the secretary on the Department's forms. Applications and subsequent amendments require specific information about persons managing or operating games and a sworn statement that they are bona fide members, volunteers or employees of the applicant and that their participation will not be remunerated. Such volunteers, members, or employees are limited to participation in 4 charitable game events per year. Neither suppliers nor providers may solicit or promote charitable games events, nor provide or recruit volunteers for licensee organizations. Suppliers and providers shall obtain and retain in their files copies of the licenses of organizations to whom they sell, lease or distribute equipment or provide locations. Suppliers shall notify the Department within

Proposed Regulations

30 days of price changes in equipment supplied. Equipment delivery may be made to licensed organizations at a secured location up to one day before the scheduled event. Uniform colors for chip denominations are no longer required. Use of the same premises for charitable games is limited to no more than 8 nights per year, except municipal providers are limited to 16 nights. In addition to a distinct parcel of land and the buildings thereon, premises may include a boat if location and identification documentation is submitted with the application. Closing time for concluding charitable games is also extended from midnight to 2:00 a.m. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include qualified organizations holding a charitable games license, licensed

suppliers of charitable games equipment, and licensed providers of premises for conducting charitable game events.

TAXES

DOR also proposed amendments to rulemakings entitled "Retailers' Occupation Tax" (86 Ill Adm Code 130) and "Service Occupation Tax" (86 Ill Adm Code 140) to provide that the exemption for tangible personal property that is used in the performance of infrastructure repairs, which are the result of a State or federally-declared Illinois disaster, shall last only as long as the tangible personal property continues to be used to make infrastructure repairs. When such tangible personal property is used in a non-exempt manner, the purchaser is

liable for the appropriate tax imposed under the Use Tax Act or the Service Use Tax Act. In that event, the amount of use tax or service use tax liability incurred is based on the depreciated value of the tangible personal property determined by use of the straight-line method of depreciation at the time the non-qualifying use occurred. Small businesses affected by the 2 rulemakings above include businesses making infrastructure repairs that are the result of a State or federally-declared Illinois disaster.

Questions/requests for copies/comments concerning the 3 rulemakings above until 12/16/96: Gina Roccaforte, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 11/19/96 JCAR meeting.

DEPARTMENT OF PUBLIC AID

"Aid to Families with Dependent Children" (89 Ill Adm Code 112) proposed 8/23/96 (20 Ill Reg 11462)

"Related Program Provisions" (89 Ill Adm Code 117) proposed 8/2/96 (20 Ill Reg 10303)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13865 - NOVEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

310-02
ILGX

The Flinn Report

DOX

Illinois Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 · 217/785-2254

VOL. 20

November 8, 1996

Issue 45

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

NOV 25 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

WATER POLLUTION

The POLLUTION CONTROL BOARD adopted amendments, effective 10/22/96, to "Operation and Record Keeping" (35 Ill Adm Code 607) and "Primary Drinking Water Standards" (35 Ill Adm Code 611). Part 611 amendments correspond with USEPA amendments adopted from January through June 1995, and update analytical methods used in testing water under the federally-derived Safe Drinking Water Act program. Part 607 amendments remove references to two Parts that have been repealed in PCB's regulations. Changes in the Part 611 rulemaking since its proposal include amending the analytical requirements to provide that they must, rather than may, be used to demonstrate compliance with the requirements of filtration and disinfection only and that they are not used to demonstrate compliance with the requirements of routine or repeat coliform monitoring, invalidation of total coliform samples, sanitary surveys, and fecal coliform and E. Coli testing. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include industries disposing of industrial wastewaters into sewage collection systems of publicly-owned treatment

works or those that supply drinking water to at least 25 of the same persons over 6 months per year.

Questions/requests for copies of the 2 rulemakings above: Michael J. McCambridge, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6924.

AIR POLLUTION

PCB also adopted amendments to "Organic Material Emission Standards and Limitations for the Chicago Area" (35 Ill Adm Code 218), effective 10/17/96, and "Organic Material Emission Standards and Limitations for the Metro East Area" (35 Ill Adm Code 219), effective 10/28/96. Both rulemakings repeal volatile organic emission regulations applicable to certain bakery ovens; correct labels in the vapor pressure equations; and make several nonsubstantive corrections in subsection cross-references, a federal rule citation, and typographical errors. Additionally, Part 218 clarifies the exemption of polyethylene foam packaging from certain control requirements, and Part 219 states that any equivalent alternative control plans, devices, or practices authorized by Illinois EPA shall be effective only when

(cont'd next page)

AGRICULTURAL FAIRS

The DEPARTMENT OF AGRICULTURE proposed amending "Fairs Operating Under the Agricultural Fair Act" (8 Ill Adm Code 260) to allow more local decision-making concerning trophies, stall or pen fees, entry fees, early dismissal of livestock or exhibits, numbering exhibit types within departments, choice of horse racing rules, choice of current livestock classifications, electronic data reporting, and geographical groupings for fairs. Also, the number and type of departments are amended, an exhibitor's social security number must appear on his or her premium receipt, registration papers are required for all purebred livestock, junior competitors must meet 4-H program age requirements, and allowable uses of pro rata (grant) monies are reduced. Current rules providing reimbursement for major building projects are repealed, and a new section is added to require that each fair association submit a Declaration of Intent in order to be eligible for rehabilitation project reimbursement. Another new section is added to cross-reference the Illinois Administrative Procedure Act and DOA's hearing rules. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include Illinois county fair associations, agricultural societies, farmers, horse owners, and others who participate in agricultural fairs.

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations.

Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary.

Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process.

Be advised that some agencies charge copying fees.

(cont'd page 3)

New Regulations

included in a federally enforceable permit or approved as a State Implementation Plan revision. Small businesses affected by these 2 rulemakings include coating operations, synthetic organic chemical and polymer manufacturing plants, polyethylene foam packaging operations, and bakeries.

Questions/requests for copies of the 2 rulemakings above: K.C. Poulos (312/814-3665) at the PCB address above.

INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments for "Construction and Filing of Accident and Health Insurance Policy Forms" (50 Ill Adm Code 2001), effective 10/25/96. References to family group insurance are deleted because, according to DOI, family groups are now covered under the individual category. Provisions concerning funeral benefits, grace periods, benefit reductions, and policy form revisions are also amended. The Department states that benefit reductions subsequent to policy issuance and form revisions will be reviewed in accordance with Part 916 standards.

Questions/requests for copies: Cindy Colonius (217/524-0663) at the DOI address below.

CHILDREN AND FAMILY SERVICES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted amendments to "Rate Setting" (89 Ill Adm Code 356), effective 11/1/96, to provide a 3% cost of living adjustment for service providers contracting with DCFS during Fiscal Year 1997. This adjustment is in lieu of existing ratesetting methodology and is based upon the payment rate being received on 6/30/96. A similar

emergency rulemaking became effective 7/1/96. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include owners or operators of child care institutions, group homes, maternity centers, and shelter programs.

Questions/requests for copies: Jacqueline Nottingham, DCFS, Office of Rules and Procedures, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715.

STATE POLICE

The STATE POLICE MERIT BOARD adopted an amendment to "Procedures of the Department of State Police Merit Board" (80 Ill Adm Code 150), effective 10/25/96, to strike the provision that the promotion certification list for the ranks of special agent to sergeant will be by regions. According to the Board, this change means that special agents and troopers will be on the same promotional list broken down by districts.

Questions/requests for copies: James E. Seiber, DSPMB, 3180 Adloff Lane, Ste. 100, Springfield IL 62703, 217/786-6240.

OFFICIAL DNR VENDORS

The DEPARTMENT OF NATURAL RESOURCES adopted amendments for "Consignment of Licenses, Stamps and Permits" (17 Ill Adm Code 2520), effective 10/25/96, to create a "preferred status" for direct agents who sell DNR licenses, stamps, and the like if they meet specified criteria. Preferred status allows agents to receive consignments that total 50% over the amount of their financial evidence. Collection procedures for delinquent accounts are specified. Small businesses affected by this rulemaking include DNR direct agents,

including concessionaires holding contracts with DNR, who seek preferred status.

Questions/requests for copies: Jack Price, DNR, 524 S. 2nd, Rm. 430, Springfield IL 62701-1787, 217/782-1809.

TAXES

The DEPARTMENT OF REVENUE adopted amendments to "Income Tax" (86 Ill Adm Code 100), effective 10/29/96, to add Quad Cities Interstate Metropolitan Authority bonds and Southwestern Illinois Development Authority bonds to the list of bonds on which the interest income is exempt from Illinois income taxation. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those with bond income from the 2 exempt entities above.

DOR also adopted amendments to "Uniform Penalty and Interest Act" (86 Ill Adm Code 700), effective 10/29/96, to reflect the Public Act 89-379 modification of the late filing penalty for returns due on or after 1/1/96. A 2-tier penalty is created whereby a higher penalty is assessed when a return is not filed within 30 days after notice of nonfiling is mailed. Changes in this rulemaking since its proposal include correcting the calculation of a penalty amount in an example. Small businesses affected by this rulemaking include those filing a tax return late.

Questions/requests for copies of the 2 rulemakings above: Keith Staats, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62708, 217/782-7055.

Proposed Regulations

Questions/requests for copies/comments until 12/23/96: Debbie Wakefield, DOA, State Fairgrounds, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

ALCOHOL & DRUG TREATMENT

The DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE proposed amendments for "Subacute Alcoholism and Substance Abuse Treatment Services" (77 Ill Adm Code 2090). A similar emergency rulemaking became effective 8/30/96. The impact of the rulemaking, according to DASA, is that certain reimbursement caps on services will not apply to pregnant women and individuals under age 21 for medically necessary substance abuse treatment. The rulemaking also strikes current caps on outpatient and residential treatment services for adolescent clients. Additionally, according to DASA, provider recertification and licensure cycles are made consistent. Also, Part 2090 is amended to reflect amendments adopted for Part 2060 in October that provide uniform service standards for both Medicaid and non-Medicaid clients in the areas of physician involvement, professional staffing, utilization review, and recordkeeping. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate alcoholism or drug abuse treatment programs.

Questions/requests for copies/comments until 12/23/96: Norma Seibert, DASA, 222 S. College, 2nd Fl., Springfield IL 62704, 217/782-0686, TDD 217/524-5103, FAX 217/785-0954.

COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amendments for rules entitled "Administration of the Illinois Community College Act" (23 Ill Adm Code 1501) to strike a provision concerning secondary site projects that

states a college shall not utilize local funds for capital projects relating to facilities leased for 5 years or less and, for capital projects relating to facilities leased in excess of 5 years, application must be made in the same manner as for other locally funded projects. For certain construction projects necessary for energy conservation, health or safety, environmental protection, or handicapped accessibility, the rulemaking strikes the requirement that if funds are expended on leased property, the lease shall exceed 5 years and include a stated intent to acquire the property. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that lease property to community colleges or seek construction contracts for improvements to such property.

Questions/requests for copies/comments until 12/23/96: Jill O'Shea, ICCB, 509 S. 6th, Ste. 400, Springfield IL 62701-1874, 217/785-0213.

TEACHERS' RETIREMENT

The TEACHERS' RETIREMENT SYSTEM proposed amendments for "The Administration and Operation of the Teachers' Retirement System" (80 Ill Adm Code 1650). New sections are added concerning service credit for involuntary layoffs or pregnancy leaves, required minimum payments for optional service purchases, definition of actuarial equivalent, independent contractor system exemptions, and debtor options before debt referral to the Comptroller for collection. Other amendments pertain to escheated warrants, purchasing military service not immediately following employment, service credit for leaves of absence or certain sick leave days, the definition of "school year", and death benefit payment when no beneficiary has been named. The rulemaking also strikes the requirement that regular interest shall be paid on optional service that the member is unable to use at retirement.

Questions/requests for copies/comments until 12/23/96: Erin Smith, TRS, 2815 W. Washington, Springfield IL 62794-9253, 217/753-0961.

AVIATION

The DEPARTMENT OF TRANSPORTATION proposed amendments to "Aviation Safety" (92 Ill Adm Code 14) to clarify that carrying passengers for hire for emergency medical service purposes does not come under restrictions applicable to other passengers for hire at restricted landing areas. An exemption is also stricken that currently allows carrying passengers for hire "under a continuing bilateral contract or contracts" at a restricted landing area. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include hospitals with heliports, other restricted landing areas, pilots, and others who use restricted landing areas.

Questions/requests for copies/comments until 12/23/96: James V. Bildilli, DOT, Division of Aeronautics, 1 Langhorne Bond Dr., Springfield IL 62707, 217/785-8516.

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to rules entitled "Prior Notification of Dividends on Common Stock and Other Distributions" (50 Ill Adm Code 855) to require insurance companies submitting a filing that supports issuance of an extraordinary dividend to provide the Department with calculations reflecting its risk-based capital levels during the preceding month adjusted to show the effect of the proposed dividend or other distribution.

Questions/requests for copies/comments until 12/23/96: David Van Lieshout (217/782-8216) or Denise Hamilton (217/785-8560), DOI, 320 W. Washington, Springfield IL 62767.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 11/19/96 JCAR meeting.

DEPARTMENT OF PUBLIC AID

"Demonstration Programs" (89 Ill Adm Code 170) proposed 4/26/96 (20 Ill Reg 5977)

"Hospital Services" (89 Ill Adm Code 148) proposed 7/12/96 (20 Ill Reg 8934)

"Hospital Reimbursement Changes" (89 Ill Adm Code 152) proposed 7/12/96 (20 Ill Reg 8932)

DEPARTMENT OF NUCLEAR SAFETY

"General Provisions" (32 Ill Adm Code 310) proposed 9/13/96 (20 Ill Reg 12306)

SECRETARY OF STATE

"Procedures and Standards" (92 Ill Adm Code 1001) proposed 8/9/96 (20 Ill Reg 10552)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13902 - NOVEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

318.02
IL6X

The Flinn Report

DOC.

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20 November 15, 1996 Issue 46

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

DEC 02 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

NUCLEAR SAFETY

The DEPARTMENT OF NUCLEAR SAFETY repealed an existing Part entitled "Plan for the Compensation of Local Governments Under Provisions of the 'Illinois Nuclear Safety Preparedness Act'" (32 Ill Adm Code 501) and adopted a new Part entitled "Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises" (32 Ill Adm Code 501), effective 10/29/96. An emergency rulemaking for the new Part was adopted 6/4/96. The new Part implements block grants to local governments to plan how to deal with the effects of nuclear accidents. Topics covered include definitions, block grant criteria, award levels, grant agreements, audits, recordkeeping, authorized expenses, and necessary activities. Small municipalities affected by these rulemakings include those desiring to apply for block grants under the program.

adopted amendments to "Riverboat Gambling" (86 Ill Adm Code 3000), effective 10/31/96. A companion emergency rulemaking was adopted 6/3/96. The rulemaking specifies that an initial supplier's license authorizing the sale or lease of gambling equipment and supplies to riverboats shall be for one year, and information required by the Gaming Board prior to license renewals is listed. The requirement that a supplier's license applicant present information to the Board in a public meeting is deleted. Also, new sections are added concerning supplier's license renewal requirements and Board response, supplier's product list amendments, and supplier bankruptcy or change of ownership.

Questions/requests for copies: Mareile B. Cusack, Chief Counsel, IL Gaming Bd., 160 N. LaSalle, Ste. 300S, Chicago IL 60601, 312/814-4700, FAX 312/814-4602.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES adopted amendments to "Public Use of DORS Facilities" (89 Ill Adm Code 546), effective 11/1/96, requiring that parties requesting use of DOR-operated facilities sign a pre-use agreement indicating compliance with departmental regulations prohibiting use

(cont'd next page)

STRUCTURAL PEST CONTROL

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Structural Pest Control" (77 Ill Adm Code 830) to add a new subpart concerning groundwater protection that establishes regulations for commercial structural pest control businesses that store or desire to store pesticides within well setback zones or regulated recharge areas established under the Environmental Protection Act. Topics covered include prior existing storage units, waivers, storage quantity limits, secondary containment structural requirements, spills, inspection schedules, maintenance, recordkeeping, and site closure. The rulemaking also updates incorporations by reference; deletes a definition of "manner inconsistent with its labeling"; makes failure to display or provide a current license, registration or certification and failure to observe the groundwater protection rules in the new subpart a Type C violation; and strikes the requirement that food used for unmixed baits shall be stored in the locked pesticide area. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include structural pest businesses and entities with potable water sources near such businesses.

Questions/requests for copies/comments until 12/30/96: Gail M. DeVito, DPH, 535 W. Jefferson, 5th Fl., Springfield IL 62761, 217/782-6187. The Department plans a public hearing on 12/10/96, 1:30 - 3:30

(cont'd page 4)

Questions/requests for copies: Valerie A. Puccini, DNS, 1035 Outer Park Dr., Springfield IL 62704, 217/785-9880, TDD 217/782-6133.

RIVERBOAT GAMBLING

The ILLINOIS GAMING BOARD

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

of tobacco products on State property. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those desiring to use DORS facilities.

Questions/requests for copies: Susan Warner, DORS, Regulations and Procedures Division, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

HEALTH FACILITIES

The HEALTH FACILITIES PLANNING BOARD adopted amendments to "Narrative and Planning Policies" (77 Ill Adm Code 1100) and "Processing, Classification Policies and Review Criteria" (77 Ill Adm Code 1110), effective 11/8/96. Part 1100 amendments increase the number of postsurgical recovery care centers from 8 to 12, change the location requirements, and specify one of the Cook County centers shall be owned or operated by a hospital devoted exclusively to children's care. A new section is added to establish the Children's Care Center Alternative Health Care Model. Part 1110 amendments add a new subpart to cover the new children's model, also. Required data and review criteria for non-hospital based ambulatory surgical treatment centers are amended, and subacute care hospital models are allowed 24 months to become operational following permit issuance, rather than 12 months. Extensive changes have been made in this rulemaking since its proposal, including requiring applicants proposing establishment of non-hospital based ambulatory surgical services to specify the surgical specialties to be provided and whether the project will result in a limited specialty or multi-specialty ambulatory surgical treatment center (ASTC). The application's list of surgical specialties has been changed by deleting pediatrics because it is not a surgical specialty and adding abortions, cardiovascular, dermatology, orthopaedic, and plastic. The applicant's intended geographic service area is now limited to 30-60 minutes travel time from the facility's site. Review criteria for projected patient volume and impact on other facilities have also been changed, and crite-

ria for multi-institutional variance have been deleted. The definition of clinically stable has been deleted from the children's respite health care center alternative health care model, and a requirement that patients admitted to out-of-town respite care be clinically stable has been added. Small businesses, small municipalities, and not-for-profit corporations affected by these rulemakings include those that own or operate health care facilities.

Questions/requests for copies of the 2 rulemakings above: Donald Jones, HFPB, 525 W. Jefferson, 2nd Fl., Springfield IL 62761, 217/782-3516.

PUBLIC AID

The DEPARTMENT OF PUBLIC AID adopted amendments for "Practice in Administrative Hearings" (89 Ill Adm Code 104), effective 11/1/96, to allow faxed submissions of written, signed requests for a fair hearing and to specify that DPA may stop payments to a hospital for Medicaid services rendered to eligible persons after the date of DPA's notice initiating an administrative proceeding. If DPA's notice is a result of Medicare action, the Department will continue to make payments for services rendered to eligible persons up to the date that the vendor's participation is terminated. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include hospitals.

DPA adopted amendments to "Application Process" (89 Ill Adm Code 110), effective 11/1/96, to specify when facsimile (fax) materials and other types of copies will or will not be accepted by DPA. Any application for public assistance shall be on an "original signed application form". According to DPA, this means that faxed or xerographic copies of DPA application forms will not be accepted. Changes in this rulemaking since its proposal include changing references to the Joint Commission on the Accreditation of Hospitals (JCAH) to Joint Commission on the Accreditation of Health Care Organizations (JCAHO).

The DEPARTMENT OF PUBLIC AID

adopted amendments for "Aid to Families with Dependent Children" (89 Ill Adm Code 112), effective 11/1/96, to disregard, either as income or assets, any payments made to individuals because of their status as victims of Nazi persecution.

DPA also adopted amendments for "Long Term Care Reimbursement Changes" (89 Ill Adm Code 153), effective 11/1/96. A companion emergency rulemaking was adopted 7/1/96. The amendments specify the reimbursement levels that pertain to various services throughout Fiscal Year 1997 or the first or second half of the year. Long-term care facilities located in areas with changed "geographical designations" (formerly called Health Service Areas) related to "unique labor force factors" will have rates recalculated accordingly. The 6 subsections to the section entitled "Reimbursement for Long Term Care Services" that were stricken in the proposed text have now been retained. These subsections cover years prior to the current fiscal year. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate long-term care facilities.

DPA adopted amendments to "Medical Payment" (89 Ill Adm Code 140), effective 10/31/96, to decrease the annual hospital provider assessment by 1/4 for FY 1997. Also, any reference to a Health Service Area is changed to "geographic area" to conform to amendments in Part 153 above. A similar emergency rulemaking was adopted 7/1/96. Changes in this rulemaking since its proposal include deleting new language proposed in anticipation of a change to the Nursing Home Care Act that did not transpire. The proposed changes would have excluded veterans' facilities from assessments imposed on non-State operated nursing facilities. Other amendments to Part 140 allow payments to out-of-State, long-term care facilities to be negotiated based on the intensity of the required services and specify that either DPA or DMHDD may make such payments. Prior approval by the funding agency or its designee is required. Small businesses, small municipalities,

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 12/17/96 JCAR meeting.

DEPARTMENT OF PUBLIC AID

"Aid to Families with Dependent Children" (89 Ill Adm Code 112) proposed 8/16/96 (20 Ill Reg 10766)

"Demonstration Programs" (89 Ill Adm Code 170) proposed 8/16/96 (20 Ill Reg 10778)

"Aid to Families with Dependent Children" (89 Ill Adm Code 112) proposed 9/13/96 (20 Ill Reg 12326)

DEPARTMENT OF AGRICULTURE

"Egg and Egg Products" (8 Ill Adm Code 65) proposed 9/20/96 (20 Ill Reg 12538)

ILLINOIS RACING BOARD

"Claiming Races" (11 Ill Adm Code 510) proposed 8/9/96 (20 Ill Reg 10548)

Proposed Regulations

p.m. at the DPH Training Room, 1st Fl., 525 W. Jefferson, Springfield.

NURSING HOMES

The DEPARTMENT ON AGING proposed a new Part entitled "Elder Rights" (89 Ill Adm Code 270) to establish a new State Long Term Care Ombudsman Program, and DoA proposed repealing the existing section concerning the ombudsman program in rules entitled "Older Americans Act Programs" (89 Ill Adm Code 230). The Part 270 rulemaking provides that an ombudsman office within DoA shall identify, investigate, and resolve complaints made by, or on behalf of, long-term care facility residents concerning actions, inactions, or decisions of facilities, public agencies, or social service agencies that may adversely affect residents' health, safety, welfare, or rights. Topics covered include definitions, ombudsman responsibilities, ombudsman poster display, access to residents' records, and conflicts of interest. Small businesses, small municipalities, and not-for-profit corporations affected by these 2 rulemakings include ombudsman service provider agencies and licensed long-term care facilities.

Questions/requests for copies/comments until 12/30/96: Pamela W. Balmer, DoA, 421 E. Capitol Ave. #100, Springfield IL 62701-1789, 217/785-3346.

COMMUNITY COLLEGE GRANTS

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amendments for rules entitled "Administration of the Illinois Public Community College Act" (23 Ill Adm Code 1501) to state that special initiative grant allowable expenditures will be specified in each contract executed between the Board and a community college district receiving such a grant. The rulemaking also specifies the time frame for expending grant monies and returning unused funds.

Questions/requests for copies/comments until 12/30/96: Jill O'Shea, ICCB, 509 S. 6th, Ste. 400, Springfield IL 62701-1874, 217/785-0213.

RADIOACTIVE MATERIAL

The DEPARTMENT OF NUCLEAR SAFETY proposed amendments to "Licensing Requirements for Source Material Milling Facilities" (32 Ill Adm Code 332) to update incorporations by reference and statutory citations, strike definitions that are covered in Part 310, require 30 copies rather than 10 copies of license applications, and require that a licensee's records be kept in an easily accessible format for DNS review. The rulemaking also adds "confirmatory monitoring" to the ways in which the Department may check rule compliance by the licensee.

Questions/requests for copies/comments until 12/30/96: Robert B. Holtsclaw, DNS, 1035 Outer Park Dr.,

Springfield IL 62704, 217/524-1003, TDD 217/782-6133.

INCOME TAXES

The DEPARTMENT OF REVENUE proposed amendments to "Electronic Filing of Illinois Individual Income Tax Returns" (86 Ill Adm Code 105) to add federal 1040A individual income tax returns and Schedule 1 interest and dividend income forms to those that may be transmitted electronically to DOR. The rulemaking also authorizes direct deposit of tax overpayments into qualifying taxpayers' savings or checking accounts and specifies electronic filer responsibilities and prohibitions in this regard. Additionally, a new section is added to allow electronic filers who function as electronic return originators to participate in a retaining program for Forms IL-8453 and associated documents rather than submitting this paperwork to DOR. The rulemaking also specifies that electronic filers who function as transmitters or software developers may not use or develop software that has a DOR assigned production password built into the software. Any small business that is an electronic return originator under the electronic filing program may be affected by this rulemaking.

Questions/requests for copies/comments until 12/30/96: Keith Staats, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

New Regulations

and not-for-profit corporations affected by this rulemaking include those that own or operate hospitals, long-term care facilities, or veterans' facilities.

Questions/requests for copies of the 5 rulemakings above: DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081. Contact Judy Umunna regarding Parts 110 and 112 and Section 104.10. Contact Joanne Jones regarding Parts 140 and 153 and Section 104.273.

CODIFICATION AND RULE CORRECTION

The BOARD OF SAVINGS INSTITUTIONS announced a codification change in "Financial Institutions" (Title 38). This codification change implements an executive order and Public Act 89-508, which merged the Commissioner of Savings and Residential Finance and the Commissioner of Banks and Trust Companies on 6/1/96 to form the Office of Banks and Real Estate (OBRE) and changed the name of the Savings and Loan Board (which is affiliated with the Office of Banks and Real Estate) to the Board of Savings Institutions. According to the Board, only changes related to headings, agency name, and other non-substantive changes are being made.

The STATE BANKING BOARD OF ILLINOIS adopted an expedited correction to "Hearings for Removal of Directors, Officers, Employees or Agents of a State Bank or Corporate Fiduciary" (38 Ill Adm Code 900), effective 8/1/96, to correct an ILCS citation for the Illinois Banking Act.

Questions/requests for copies: John Arthur, OBRE, 500 E. Monroe, Ste. 900, Springfield IL 62701, 217/782-6181.

EXPEDITED CORRECTIONS

The POLLUTION CONTROL BOARD requested expedited corrections for amendments to "Standards for New Solid Waste Landfills" (35 Ill Adm Code 811) and "Alternative Standards for Coal Combustion Power Generating Facili-

ties Waste Landfills" (35 Ill Adm Code 816). The main source note needs to be corrected in Part 811, and headings need correction in Part 816.

Questions/requests for copies: Chuck Feinen, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620.

LIVESTOCK WASTE

The POLLUTION CONTROL BOARD adopted a new Part by emergency rulemaking entitled "Livestock Waste Regulations" (35 Ill Adm Code 505), effective 10/31/96, for a maximum of 150 days, to implement the Livestock Management Facilities Act. The rulemaking specifies livestock waste lagoon standards for livestock management facilities with a maximum design capacity of 300 or more animal units that are new or modified and were not placed in service by 10/31/96. Topics covered include definitions, site investigation, registration, lagoon design and liner standards, groundwater monitoring, construction certification, and noncompliance. The rulemaking also requires facility owners or operators with 1,000 to 6,999 animal units to prepare and maintain a waste management plan within 60 days. Facility owners or operators with 7,000 or more animal units must submit waste management plans to the Department of Agriculture for approval within 60 days for existing facilities and prior to commencing operation for new facilities. Waste plan contents, recordkeeping, plan approval, and non-compliance penalties are specified. The rulemaking also requires that a facility serving 300 or more animal units be operated only under a certified livestock manager's supervision. Manager certification procedures are specified, and DOA approval of training sessions is required. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include livestock management facility owners or operators; engineers and others involved in livestock waste lagoon design, construction, or monitoring; groundwater monitors; and landowners where livestock waste is applied to fields.

Questions/requests for copies: Dorothy Gunn, Clerk, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931. Questions also may be directed to Marie Tipsord at 312/814-4925. This rulemaking is Docket R94-17.

LOCKSMITHS

The DEPARTMENT OF PROFESSIONAL REGULATION adopted 7 new sections to rules entitled "Private Detective, Private Alarm and Private Security Act of 1993" by emergency rulemaking, effective 10/31/1996, for a maximum of 150 days. This issue of the *Illinois Register* also contains a similar proposed rulemaking. The emergency rulemaking implements Public Act 89-366 which requires licensing of locksmiths and locksmith agencies, effective 1/1/97. Licensing requirements are outlined and provide a grandfather period for persons actively engaged as locksmiths or as supervisors, managers or administrators of a locksmith business for 3 out the last 5 years prior to 1/1/96. Other topics covered include examination, training, registration, refusal to issue registration cards, and recordkeeping and reporting requirements. The locksmith agency must retain records containing specified information for 2 years following employee termination and provide DPR with monthly rosters of employees on whom permanent employee registration card applications are pending. Licensees or registrants arrested, indicted or convicted are also required to notify DPR within 30 days. The proposed rulemaking contains 7 new sections which are identical to the emergency rulemaking, as well as 3 additional new sections pertaining to license renewal, reciprocity, and restoration. It also includes several renumbered sections, one of which amends the provisions for restoration of expired licenses to include locksmiths. Small businesses affected by these rulemakings include locksmiths.

Questions/requests for copies/comments concerning the proposed rulemaking until 12/30/96: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, FAX 217/782-7645.

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13916 - NOVEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

**Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield IL 62706 217/785-2254**

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

348.02
IL 6X

The Flinn Report

DOC.

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

November 22, 1996

Issue 47

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

DEC 09 1996

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted new Parts entitled "Alternative Loan Program" (23 Ill Adm Code 2721), effective 11/4/96, and "Illinois Incentive for Access (IIA) Program" (23 Ill Adm Code 2736), effective 11/15/96. Part 2721 establishes a new loan program beginning the summer of 1996 that supplements existing state and federal student assistance programs. Topics covered include definitions, borrower eligibility, institutional eligibility, application procedures, loan disbursement and repayment, and lender fees. A companion emergency rulemaking was adopted 6/1/96. Part 2736 implements the IIA program. This program provides a non-renewable maximum \$500 grant to financially

In separate action, ISAC also amended rules entitled "Public Information, Rulemaking and Organization", effective 11/15/96, to clarify that ISAC's rulemaking procedures apply to amend-

ments as well as to new rules. The rulemaking sets a quorum of 6 when the Commission consists of 10 members and clarifies that when a gubernatorial appointment of a commissioner is pending, the commissioner designee may attend Commission meetings at ISAC's expense but may not vote. The area code for the Deerfield ISAC office is changed and locations of agency officers' and directors' offices are updated. Additionally, changes in organizational structure of the agency are reflected in a new organizational chart.

Questions/requests for copies of the 3 rulemakings above: Racquel G. Martinez, ISAC, 1755 Lake Cook Rd., Deerfield IL 60015, 847/948-8500.

LOTTERY

The DEPARTMENT OF THE LOTTERY adopted amendments for "Lottery (General)" (11 Ill Adm Code 1770), effective 11/6/96, to add a definition of "claim" and a new section concerning priority of rules on file over any contradictory information in an advertisement, on tickets, or at the point of sale. Other topics covered include amending sales agent standards to include criminal history and tax status, license revocation without notice, license termination, and prize

(cont'd next page)

ARCHITECT LICENSURE

The DEPARTMENT OF PROFESSIONAL REGULATION proposed amendments to "Illinois Architecture Practice Act of 1989" (68 Ill Adm Code 1150) to require licensure applicants educated in a foreign country, and whose first language is not English, to score 550 on the Test of English as a Foreign Language and 50 on the Test of Spoken English. Applicants educated in foreign countries must also have their education evaluated by the Education Evaluator Services for Architects at their own expense. The rulemaking additionally expands DPR registration requirements to cover limited liability companies that practice architecture and requires any sole proprietorship operating under an assumed name to file an application with DPR indicating all assumed names utilized. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that employ licensed architects.

Questions/requests for copies/comments until 1/6/97: Jean A. Courtney, DPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, FAX 217/782-7645.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed an amendment for "Pay Plan" (80 Ill Adm Code 310) to reflect the recent increase in the minimum wage. The following titles are raised to \$4.75 per hr. or \$36

(cont'd page 3)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

*****:** Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

claiming procedures. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those holding or applying for a license to sell Illinois lottery tickets.

Questions/requests for copies: Lisa A. Crites, Illinois Lottery, 201 E. Madison St., Springfield IL 62702, 217/524-5253.

STATE PROPERTY

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments for "Acquisition, Management and Disposal of Real Property" (44 Ill Adm Code 5000), effective 11/7/96, to reinstate an appendix that the proposed rulemaking would have repealed that lists rental fees at the State of Illinois Center (James R. Thompson Center) and other State buildings for governmental, tax-exempt, professional, private, and corporate organizations. Other changes in this rulemaking since its proposal include amending the list of buildings assigned to and managed by DCMS to include the E.J. "Zeke" Giorgi Center in Rockford, Suburban North Regional Building in DesPlaines, the Ash Street Complex in Springfield, and Effingham Regional Office Building; deleting Maryville Children's Center and Mt. Vernon Regional Office Building; changing the address of the Marion Regional Office Building; and changing the names of East St. Louis Regional Office Building to Kenneth Hall Regional State Office Building and State of Illinois Center to James R. Thompson Center, or JRTC. Proposed text deleting the rental fee schedule and stating that fees shall be set by the building managers and made available to the public has been replaced by reinstating the pre-existing rental fee schedule as noted above. All text references to State of Illinois Center (SOIC) have been changed to James R. Thompson Center (JRTC), and a provision is added requiring that

JRTC leasing arrangements shall be confirmed by the JRTC office and that confirmation shall be by letter, fax, or telephone with a copy maintained by the office. Additionally, it is no longer required that the fee payments and insurance binder or assurance of coverage be received by the building offices 10 working days prior to scheduled events. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those wanting to rent State facilities.

Questions/requests for copies: Stephen W. Seiple, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/782-9669.

STATE EMPLOYEES

DCMS also adopted amendments to "Pay Plan" (80 Ill Adm Code 310), effective 11/7/96. An identical emergency rulemaking was adopted 7/15/96. The rulemaking implements the FY 97 pay plan changes affecting employees subject to the Merit Compensation Plan. Also, the annual merit increase guidechart for FY 97 is changed from 5 categories to 4, and the merit pay zone is eliminated from the salary ranges.

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to "Pay Plan" (80 Ill Adm Code 310), effective 11/7/96, by peremptory rulemaking to delete the Children's Shelter Care Associate employee title and pay rate.

Questions/requests for copies of the 2 rulemakings above: Michael Murphy at the DCMS address above, 217/782-5601.

LIBRARY GRANTS

The OFFICE OF THE SECRETARY OF STATE adopted amendments to rules entitled "Public Library Construction Grants" (23 Ill Adm Code 3060) by

emergency rulemaking, effective 11/7/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The rules are revised to provide that up to 10% of the funding available for library grant construction proposals shall be set aside as un-matched funds to be used as mini-grants of \$5,000 to \$35,000 to enable public libraries with limited funds to remodel or refurbish. Projects resulting from a disaster are added as a reason the Secretary of State may change the minimum or maximum grant thresholds, and "special grant awards" are added as an option. The advisory role of the Illinois State Library Advisory Committee concerning funding projects of a unique nature or resulting from a disaster is stricken. For projects costing over \$150,000, the services of a library building consultant are required. Some of the documentation and written assurances may be waived in the application procedures for mini-grants; however, for projects requiring matching funds, a promise to donate funds will no longer be accepted as assurance that other funds are available. Definitions are added for mini-grants, library building consultant, and public libraries with limited funds; and references to the Illinois public library standards have been updated to the 1996 edition currently in effect. Libraries receiving mini-grants must also address legal requirements for making areas of the building affected by the mini-grant accessible to the handicapped. Small municipalities and not-for-profit corporations affected by these rulemakings include public municipal libraries.

Questions/requests for copies/comments concerning the proposed rulemaking until 1/6/97: Kathleen L. Bloomberg, Illinois State Library, 300 S. 2nd St., Springfield IL 62701-1796, 217/785-0052, FAX 217/782-6062, Internet: kbloomberg@library.sos.state.il.us

Proposed Regulations

per day: Building/Grounds Laborer, Building/Grounds Lead I, Chaplain I, Chemist I, Conservation/Historic Preservation Worker (including 2nd season site interpretation), Educator, Educator Aide, Janitor I, Labor Relations Investigator, Laborer (Maintenance), Maintenance Worker, Psychologist I, Recreation Worker I, Social Worker II and III, and Student Worker.

Questions/requests for copies/comments until 1/6/97: Michael Murphy at the DCMS address above.

COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD proposed an amendment for "Administration of the Illinois Public Community College Act" (23 Ill Adm Code 1501) to specify the officers and officers' duties on the ICCB Student Advisory Committee (SAC), name SAC's vice chair to the Illinois Board of Higher Education's student advisory committee, and specify that 4 SAC representatives shall each serve a one-year term on one of 4 specified ICCB committees. Concerning selection of the overall ICCB Student Member, the rulemaking limits each college district to nominating one candidate for the position

Questions/requests for copies/comments until 1/6/97: Jill O'Shea, ICCB, 509 S. 6th, Ste. 400, Springfield IL 62701-1874, 217/785-0213.

FALCONRY

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to "Falconry and the Captive Propagation of Raptors" (17 Ill Adm Code 1590) to specify how a sponsor may withdraw an apprentice class permittee sponsorship, limit an apprentice permittee to possession of passage raptors only, and limit captive propagation permits to holders of general or master class Illinois falconry permits. The rulemaking also states

that no bag or possession limits shall be in effect for fur-bearing mammals and cross-references other applicable DNR regulations concerning bag and possession limits. Concerning the harvest of certain migratory birds by falconry methods, bag and possession limits shall conform to federal regulations.

Questions/requests for copies/comments until 1/6/97: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

HORSE RACING

The ILLINOIS RACING BOARD proposed an amendment to "Jockeys, Apprentices, Jockey Agents and Valets" (11 Ill Adm Code 1411) to specify that, at the discretion of the stewards, a jockey guilty of rough or careless riding shall be subject to a minimum suspension of 3 days, a fine, or both. The current rules provide a minimum 10-day suspension for rough riding, a minimum 5-day suspension for careless riding, and no fines. Small businesses affected by this rulemaking include those that employ jockeys.

Questions/requests for copies/comments until 1/6/97: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-5070.

TRUCKING

The DEPARTMENT OF TRANSPORTATION proposed amendments to "Oversize and Overweight Permit Movements on State Highways" (92 Ill Adm Code 554) to repeal a section that disallows copies of permits issued by phone or retransmissions of permit messages to other locations. The Department states that companies routinely retransmit such messages to drivers. The rulemaking also adds the provision that following a conviction for a third offense within a 1-year period, DOT shall not issue permits to that person, firm, or

corporation for one year. Additionally, the number of escort vehicles needed to accompany movement of all items between 15' and 16' in width is changed from 2 escort vehicles to 1 vehicle. Also, a subsection is added to explain when permit loads will be deemed "reasonably dismantled" (non-divisible) when separated into smaller loads or vehicles and to allow DOT to treat emergency response vehicles and casks designed and used for spent nuclear material transport as nondivisible vehicles or loads. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include trucking companies and those that depend upon trucking companies for movement of oversized or overweight loads.

Questions/requests for copies/comments until 1/6/97: Robert W. Jones, DOT, 2300 S. Dirksen Pkwy., Rm. 009, Springfield IL 62764, 217/782-7231.

PUBLIC HEARING

The DEPARTMENT OF PUBLIC AID announces 2 public hearings for the purpose of gathering public comment on proposed amendments to "MediPlan Plus" (89 Ill Adm Code 142) that was published in the *Illinois Register* on 10/11/96 at 20 Ill Reg 13156. The first hearing is scheduled on Wednesday, 12/4/96, from 10:00 a.m. to 3:00 p.m. at the University of Illinois at Chicago, Chicago Illini Union, Chicago Room B, 2nd Fl., 828 S. Wolcott, Chicago. The second hearing is on Thursday, 12/5/96, 10:00 a.m. to 3:00 p.m. at the University of Illinois at Springfield, Conference Room A/B, lower level in the Public Affairs Center, Springfield.

Questions/requests for copies: Kenneth E. Mitchell, Bureau of Rules and Regulations, DPA, 100 S. Grand Ave. E., Springfield IL 62762, 217/524-0081, FAX 217/524-2397.

JCAR Meeting Action

At its 11/19/96 meeting, the Joint Committee voted the following 2 objections to Public Aid rulemakings.

DEPARTMENT OF PUBLIC AID

The Committee objects to "Related Program Provisions" (89 Ill Adm Code 117) (20 Ill Reg 10303) because it inappropriately increases the burial amount to \$325 and funeral maximum for adults and children 5 or older to \$650. These 2 increases contravene statutory language in the Public Aid Code at 305 ILCS 5/12-4.11 that specifically limits these amounts to \$315 and \$630. In addition,

JCAR will proceed to draft legislation for introduction in this Fall Session amending the Public Aid Code to increase the allowable maximum burial amounts and funeral expenses.

JCAR objects to "Demonstration Programs" (89 Ill Adm Code 170) (20 Ill Reg 5977) because the Department is adopting as rule a provision that clearly contravenes statutory language at Section 11-6.2 of the Illinois Public Aid Code.

Public Act 88-554 stipulates that this demonstration program will operate for 12 months, but DPA states in rule that the program will be operational for 3 years. In addition, JCAR will proceed to draft legislation for introduction in this Fall Session amending the Public Aid Code to authorize the Automated Identification and Match System (AIMS) demonstration program for a 3-year period.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 12/17/96 JCAR meeting.

DEPARTMENT OF STATE POLICE

"Gang Crime Witness Protection Act" (20 Ill Adm Code 1275) proposed 8/2/96 (20 Ill Reg 10313)

DEPARTMENT OF REHABILITATION SERVICES

"Assessment for Determining Eligibility and Rehabilitation Needs" (89 Ill Adm Code 553) proposed 8/30/96 (20 Ill Reg 11894)

POLLUTION CONTROL BOARD

"Requirements for New Steel and Foundry Industry Wastes Landfills" (35 Ill Adm Code 817) proposed 8/30/96 (20 Ill Reg 11554)

DEPARTMENT OF INSURANCE

"Intergovernmental Joint Insurance Pool Annual Audited Financial Report" (50 Ill Adm Code 2405) proposed 3/1/96 (20 Ill Reg 3673)

DEPARTMENT OF PUBLIC AID

"Rights and Responsibilities" (89 Ill Adm Code 102) proposed 6/7/96 (20 Ill Reg 7579)

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 13972 - NOVEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield IL 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

116x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

December 2, 1996

Issue 48

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

JAN 0 6 1997

New Regulations

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

Proposed Regulations

CHARTER SCHOOLS

The STATE BOARD OF EDUCATION adopted a new Part entitled "Charter Schools" (23 Ill Adm Code 650), effective 11/15/96, to replace emergency rules adopted in April and June to implement Public Act 89-450. Topics covered include definitions; purpose; procedures for submission of charter school applications to the Board; application review and certification; charter revision and renewal; and an applicant's appeal to ISBE under specified conditions when a local school board denies, revokes, or refuses to renew an application. Not-for-profit corporations affected by this rulemaking include those applying to operate charter schools.

Questions/requests for copies: Gary J. Anderson, ISBE, 100 N. 1st St., Springfield IL 62777-0001, 217/782-5270.

SCHOOLS

The BOARD adopted amendments, effective 11/18/96, for "Student Records" (23 Ill Adm Code 375) to specify that student records or information concerning a student covered by an order of protection shall not be released to the person against whom the order of protection was issued. The rulemaking also states that parents shall not challenge

records of expulsions or out-of-school suspensions at the time a student's records are being forwarded to another school because the student has transferred. Concerning other challenges, the rulemaking clarifies that a regional superintendent's final decision may be appealed to the circuit court of the county in which the school is located.

ISBE also adopted amendments to "Public Schools Evaluation, Recognition and Supervision" (23 Ill Adm Code 1), effective 11/18/96, to respond to recent statutory changes and reflect current practices. "Persons providing a related service for or with respect to a student as determined by the board of education" are added to those who are directed to maintain discipline in the schools. Such persons do not have to be certified employees. Half-day attendance is defined for general state aid purposes, and school boards are allowed to excuse pupils in grades 9 through 12 from physical education course requirements if they are in marching band or ROTC. Previous P.E. exceptions were different and applied only to 11th and 12th grade students. Also, substitute teacher requirements are amended to allow a teacher holding an early childhood, elementary, high school, or special certificate to substitute teach in grades K-12.

(cont'd next page)

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES proposed amendments to "Customer Financial Participation" (89 Ill Adm Code 562) to revise calculation of vocational rehabilitation services costs for the client or client's family. A customer seeking services and his or her family are required to complete a financial analysis form and "participate in the cost of services". Current presumptions that a client satisfies an economic needs test if the client receives certain public aid benefits are stricken. The formula for calculating a family's required customer financial participation is specified, and family status must be evaluated at least yearly.

Questions/requests for copies/comments until 1/16/97: Susan Warrner at the DORS address above.

COMMUNITY COLLEGE

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amending "Administration of the Illinois Public Community College Act" (23 Ill Adm Code 1501) concerning college courses taken by students currently enrolled in a secondary school program. The statement that credits from such college courses may not receive both State Board of Education and ICCB grants is stricken. The rulemaking also requires that college courses offered to high school students during the regular school day at the secondary school shall be college-level

(cont'd page 4)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

Questions/requests for copies of the 2 rulemakings above: Cliff Erwin at the ISBE address above, Rm. E-310, 217/782-3852.

CAPITAL DEVELOPMENT BOARD

The CAPITAL DEVELOPMENT BOARD adopted the repeal, effective 11/15/96, of the following 3 Parts: "Definitions" (71 Ill Adm Code 1), "Definitions" (44 Ill Adm Code 900), and "Project Procedures" (71 Ill Adm Code 20). Parts 1 and 900 consist of definitions that CBD states will be included in various Parts, as needed, rather than retained separately. Part 20 is obsolete, according to CDB, because its original purpose was to discourage agencies from waiting until late in the fiscal year to request architectural, engineering, or construction services. Under the State's current fiscal situation, funding for maintenance and permanent improvement projects in the user agencies' operations budgets is limited or non-existent. The users do not have project lists to submit, and most user-funded requests are for assistance with emergency projects.

The BOARD also repealed "Hearing Procedures" (71 Ill Adm Code 100), effective 11/14/96, and adopted a new Part of the same title and number, effective 11/15/96. According to CDB, the new Part is intended to shorten and simplify the hearing process while promoting settlement. More deadlines are specified, and complaints must be filed within 30 days of final agency action. Also, the hearing officer may question parties and witnesses directly and execute other specified powers and duties. CDB's executive director has 15 days following receipt of the hearing officer's recommendation to issue a decision. Changes in this rulemaking since its proposal include correcting language to require that default judgment be entered upon failure to appear with (proposed as "without") reasonable advance notice. Small architectural or engineering firms requesting a CDB hearing may be affected by these rules.

CDB adopted amendments, effective 11/15/96, for "Access to Information" (2 Ill Adm Code 1651), "Asbestos Abate-

ment Authority Act Procedures" (71 Ill Adm Code 500), and "Bidder Responsibility" (44 Ill Adm Code 950). Part 1651 amendments strike the required use of a specified form when requesting public records under the Freedom of Information Act. Part 500 adds incorporations by reference for the federal Asbestos School Hazard Abatement Reauthorization Act of 1990, federal 1995 Occupational Health and Safety Act rules, and the Illinois Commercial and Public Building Asbestos Abatement Act. Part 950 amendments concern contractors under suspension, debarment, nullification or modification of responsibility, or a conditional responsibility determination. The rulemaking specifies that if such a contractor violates any terms or conditions imposed by CDB, the Board may extend the applicable sanctions. The current rule allows sanction extensions if a contractor does subcontracting work on a CDB project after a sanction.

The BOARD also adopted amendments, effective 11/15/96, to "Board Action" (71 Ill Adm Code 10) and "Standards for Award of Grants: Elementary and Secondary Schools Capital Assistance Program" (71 Ill Adm Code 40). The Part 40 amendment clarifies that a school district's "Grant Index" is determined by the State Board of Education, not CDB. This index is used to calculate school district planning assistance grants. Part 10 amendments strike the requirement that Board members be given at least 5 days' written notice of special meetings and lengthen the advance posting of Board meeting notices from 24 to 48 hours prior to a meeting. The rulemaking also changes from 4 to 3 the minimum number of votes needed to pass final determinations, states the Chairperson has the same voting rights as other Board members, and amends the appointment procedures for Vice-Chairperson and Secretary. Provisions concerning records of Board actions in the form of resolutions or memoranda, minutes, and recorded votes are amended, and the rulemaking strikes the requirement that CDB mail an advance copy of a proposed rule revision to all "user agencies" that request such copies.

Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include any that request a CDB hearing, apply for a grant, desire to contract or subcontract on a CDB project, or work to identify or abate asbestos in State governmental buildings.

Questions/requests for copies of the 10 rulemakings above: Claire Gibson, CDB, Stratton Bldg., 3rd Fl., 401 S. Spring St., Springfield IL 62706, 217/782-2864.

MINIMUM WAGE

The DEPARTMENT OF LABOR adopted amendments for rules entitled "Minimum Wage Law" (56 Ill Adm Code 210), effective 11/15/96, to define "radio or television announcer, news editor or chief engineer" as employees at a radio or television station with its major studio located in a town or city of 100,000 population or less. The definition further explains how to calculate city size within a standard metropolitan statistical area. The effect of this change is that a new exemption from paying overtime to these specific employee categories would apply only to radio and television station employees in small communities. The rulemaking also adds a new section that allows an informal investigative conference to be continued upon approval of both parties and DOL. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate radio or television stations and any party involved in DOL informal investigative conferences.

Questions/requests for copies: Scott D. Miller, DOL, 160 N. LaSalle, Ste. C-1300, Chicago IL 60601, 312/793-1811.

DORS SCHOOLS

The DEPARTMENT OF REHABILITATION SERVICES adopted amendments to "Admission, Suspension, Expulsion and Discharge Procedures" (89 Ill Adm Code 755), effective 11/14/96, to allow a parent to apply directly to the Illinois School for the Visually Impaired if the parent disagrees with a school district's place-

Proposed Regulations

that were proposed at 20 Ill Reg 1174 on 1/19/96 to allow trainers to perform farrier work on their own horses. The Illinois Harness Horsemen's Association opposes limiting a trainer's farrier activities to his or her own horses. IRB's position is that allowing a trainer to act in a farrier capacity for other trainers poses a potential conflict of interest. The rulemaking was withdrawn because IRB believes no compromise position can be reached. Small businesses, small municipalities, and not-for-profit corporations af-

ected by this rulemaking include those employing horse trainers or farriers.

Questions/requests for copies of the 2 rulemakings above: Gina DiCaro at the IRB address above.

LABOR RULE WITHDRAWN

The DEPARTMENT OF LABOR withdrew a proposed new Part entitled "Personnel Records Review Act" (56 Ill Adm Code 355) that was proposed on 3/1/96 at 20 Ill Reg 3729 to provide standards for administration and en-

forcement of the Personnel Records Review Act. DOL plans to propose new rules in order to allow all interested parties more time to comment on the new text. Small businesses, small municipalities, and not-for-profit corporations employing 5 or more employees, exclusive of immediate family, are affected by this rulemaking.

Questions/requests for copies: Scott D. Miller, DOL, 160 N. LaSalle, Ste. C-1300, Chicago IL 60601, 312/793-1805.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 12/17/96 JCAR meeting.

ILLINOIS RACING BOARD

"Pari-Mutuels" (11 Ill Adm Code 300) proposed 9/13/96 (20 Ill Reg 12333)

DEPARTMENT OF NATURAL RESOURCES

"Duck, Goose and Coot Hunting" (17 Ill Adm Code 590) proposed 10/4/96 (20 Ill Reg 12944)

"Advertising in Department Publications" (17 Ill Adm Code 2650) proposed 5/17/96 (20 Ill Reg 6633)

DEPARTMENT OF STATE POLICE

"Electronic Transmission of Fingerprints" (20 Ill Adm Code 1265) proposed 2/16/96 (20 Ill Reg 3077)

DEPARTMENT OF PUBLIC AID

"Food Stamps" (89 Ill Adm Code 121) proposed 8/2/96 (20 Ill Reg 10263)

SECRETARY OF STATE

"Lobbyist Registration and Reports" (2 Ill Adm Code 560) proposed 9/27/96 (20 Ill Reg 12701)

IL HISTORIC PRESERVATION AGENCY

"Rules for the Protection, Treatment and Inventory of Archaeological and Paleontological Resources on Public Land" (17 Ill Adm Code 4190) proposed 8/9/96 (20 Ill Reg 10496)

OFFICE OF BANKS AND REAL ESTATE

Repeal of "Acquisition of Former Main Banking Premises or Branches of Eligible Depository Institutions" (38 Ill Adm Code 307) proposed 10/4/96 (20 Ill Reg 13024)

Repeal of "Posting Notice of a Proposed Acquisition" (38 Ill Adm Code 370) proposed 10/4/96 (20 Ill Reg 13028)

Repeal of "Americans with Disabilities Act Grievance Procedure" (4 Ill Adm Code 1100) proposed 10/4/96 (20 Ill Reg 13018)

DEPT OF REHABILITATION SERVICES

"Assessment for Determining Eligibility and Rehabilitation Needs" (89 Ill Adm Code 553) proposed 8/2/96 (20 Ill Reg 10305)

"Services" (89 Ill Adm Code 590) proposed 9/13/96 (20 Ill Reg 12335)

POLLUTION CONTROL BOARD

"Effluent Standards" (35 Ill Adm Code 304) proposed 8/16/95 (20 Ill Reg 10760)

"Water Quality Standards" (35 Ill Adm Code 302) proposed 8/9/96 (20 Ill Reg 10539)

Proposed Regulations

and shall meet the ICCB *Guideline for Community College Courses Offered in Secondary Schools*.

Questions/requests for copies/comments until 1/16/97: Jill O'Shea, ICCB, 509 S. 6th., Ste. 400, Springfield IL 62701-1874, 217/784-01213.

ENDANGERED FAUNA

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to "Illinois List of Endangered and Threatened Fauna" (17 Ill Adm Code 1010) to remove the Cooper's Hawk from the list of endangered birds in Illinois.

TURKEY HUNTING

DNR also proposed amendments for "The Taking of Wild Turkeys-Spring Season" (17 Ill Adm Code 710) to specify 1997 dates and open additional areas for spring wild turkey hunting. Grundy, Henry, LaSalle, and Warren counties are added to the list of open counties in the northern zone. Several department-owned or managed sites are added to lists of sites where state-wide regulations apply or where site-specific permits are required, and Newton Lake State Fish and Wildlife Area is stricken from the list of areas where site-specific permits are required. The rulemaking also decreases the amount of information that must be included on a hunter's wild turkey hunting permit.

Questions/requests for copies/comments concerning the 2 rulemakings above until 1/16/97: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

HORSE RACING

The ILLINOIS RACING BOARD proposed the repeal of "Medication" (11 Ill Adm Code 509) and its

replacement with a new Part 603 of the same title. The new Part adds 6 new permitted foreign substances that may be present in the body of a horse participating in a race. The rulemaking also amends regulation of furosemide use, including establishment of a graduated penalty structure for excessive furosemide amounts. According to IRB, new Part 603 mirrors the repealed Part with the exception of the amendments noted above.

IRB proposed a new Part entitled "Horse Health" (11 Ill Adm Code 808) to combine rules regarding horse health for both harness and thoroughbred racing that are currently found in Parts 1306, 1309, 1313, 1403, 1410, 1415, 1424, and 1431. Topics covered include the state veterinarians' list, various required reports, required equine infectious anemia testing, health certificates, horse inspections, sanitary and safety standards, and report of rule violations.

The BOARD also proposed a new Part entitled "PPT" (11 Ill Adm Code 314) to combine two perfectas and one trifecta into a single wager. Topics covered include pool distribution, scratches, dead heats, race cancellations, and mandatory distribution.

Questions/requests for copies/comments concerning the 4 rulemakings above until 1/16/97: Gina DiCaro, IRB, 100 W. Randolph, Ste. 11-100, Chicago IL 60601, 312/814-5070.

RULES CORRECTION

The POLLUTION CONTROL BOARD requested that JCAR approve an expedited correction for rules entitled "Organic Material Emission Standards and Limitations for the Metro East Area" (35 Ill Adm Code 219) to correct the main source note to show that the Part was amended in R96-2 at 20 Ill Reg 3848, effective 2/15/96. The rulemaking being corrected was proposed in the 1/5/96 *Illinois Register* and was adopted in the 11/8/96 *Illinois Register* without the February rulemaking indicated.

Questions/requests for copies: K.C. Poulos, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3665.

PUBLIC HEARING

The DEPARTMENT OF PUBLIC HEALTH announces a public hearing concerning proposed amendments to rules entitled "Structural Pest Control Code" (77 Ill Adm Code 830) that were published in the 11/15/96 *Illinois Register* at 20 Ill Reg. 14724. The hearing is scheduled from 1:30 p.m. to 3:30 p.m. on Tue., 12/10/96 at DPH, 1st Fl. Training Rm., 525 W. Jefferson St., Springfield IL 62761. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include structural pest businesses and entities with potable water sources near such businesses.

Questions/requests for copies: Gail M. DeVito, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-6187.

RULEMAKINGS WITHDRAWN

The ILLINOIS RACING BOARD withdrew amendments to "Interstate Common Pools" (11 Ill Adm Code 302) that were proposed at 20 Ill Reg 3816 on 3/1/96 to require Illinois tracks electing to commingle Illinois pools with pools of an out-of-state track to calculate prices and make payoffs based on the sending race track's prices if it became impossible for any licensee to successfully merge wagers into the interstate common pool. In the event it became impossible to merge wagers involving exotic pools with existing carryover jackpots, the amendments provided that those wagers would be subject to a refund. The rulemaking was withdrawn in response to concerns raised by the National Jockey Club.

IRB also withdrew amendments to "Licensing" (11 Ill Adm Code 502)

New Regulations

ment option for a student. The rulemaking also clarifies that required medical examinations for DORS school applicants age 6 or younger must include a lead screening. Also, outreach and center-based services for infants and young children are added to both the Illinois School for the Deaf and the Illinois School for the Visually Impaired if funds are available

Questions/requests for copies: Susan Warrner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

MOTOR CARRIER SAFETY

The DEPARTMENT OF TRANSPORTATION adopted amendments, effective 11/18/96, for the following 7 Parts to reflect changes in federal regulations that were adopted between October 1994 and October 1995 and also in early 1996: "Driving and Parking" (92 Ill Adm Code 397), "Driving of Motor Vehicles" (92 Ill Adm Code 392), "Hours of Service of Drivers" (92 Ill Adm Code 395), "Inspection, Repair and Maintenance" (92 Ill Adm Code 396), "Motor Carrier Safety Regulations: General" (92 Ill Adm Code 390), "Parts and Accessories Necessary for Safe Operation" (92 Ill Adm Code 393) and "Qualification of Drivers" (92 Ill Adm Code 391). Amendments include updating the definition of "commercial motor vehicle inspection" to base driver-only inspections on the 1996 rather than the 1993 edition of the Commercial Vehicle Safety Alliance operations manual and amending alcohol and drug testing rules. Part 395 amendments update the definition of "hours of service of drivers", which impacts upon transportation of agricultural commodities, farm supplies, ground water drilling rigs, and construction materials and equipment and impacts upon operation of utility service vehicles, according to DOT. Changes in Part 395 since its proposal include changing the regulatory exempt period for agricultural movements from a specified time period to planting and harvest season as now defined in changes made to Part 390 since its proposal (2/1 through 11/30). Small businesses, small municipalities, and

not-for-profit corporations affected by these 7 rulemakings include those that own or operate commercial motor vehicles in Illinois.

Questions/requests for copies of the 7 rulemakings above: Cathy Allen, DOT, Division of Traffic Safety, PO Box 19212, Springfield IL 62794-9212, 217/785-1181.

CLEAN AIR ACT

DOT also adopted the repeal of its Part entitled "Employee Commute Options" (92 Ill Adm Code 600), effective 11/18/96, because the federal government and the State have eliminated a mandatory program that was designed to decrease air pollution by regulating employee commuting styles in clean air severe nonattainment areas. Small businesses, small municipalities, and not-for-profit corporations affected by this repealer include those that were subject to the employee commute options program in nonattainment areas.

Questions/requests for copies: Susan Stitt, DOT, 2300 S. Dirksen Pkwy., Rm. 307, Springfield IL 62764, 217/782-2863.

TELEPHONES

The ILLINOIS COMMERCE COMMISSION adopted amendments to "Telephone Assistance Program" (83 Ill Adm Code 757), effective 12/1/96, to reflect a petition for rule changes proposed by the Universal Telephone Assistance Corporation (UTAC) in November 1995. According to ICC, the amendments allow narrowing of the eligibility pool for the monthly assistance program, reduce reporting requirements and remittance schedules, and do not require a hearing on every supplemental assistance petition. The rulemaking also permits local exchange carriers (LECs) to subtract supplemental assistance from the voluntary contributions remitted to the pooled fund administrator, and authorizes the ICC to apply for matching federal funds for a monthly assistance program. Changes in this rulemaking since its proposal include the addition of language requiring the Commission to adopt a proposal that, under certain

circumstances, limits eligibility for a waiver of all or a portion of the local exchange service obligation to one or more proxy programs, subprograms, or components thereof. Small businesses affected by this rulemaking include small LECs.

Questions/requests for copies: Conrad Rubinkowski, ICC, 527 E. Capitol Ave., Springfield IL 62794-9280, 217/785-8439.

MEAT AND POULTRY

The DEPARTMENT OF AGRICULTURE adopted amendments to "Meat and Poultry Inspection Act" (8 Ill Adm Code 125) by peremptory amendment, effective 11/13/1996. The rulemaking incorporates federal regulations that DOA advises remove an obsolete labeling requirement for certain sizes of shingle packed bacon and applies the same requirements for net weight statements to all sizes of shingle packed bacon. The rulemaking through incorporation of federal regulations also prescribes a definition and standard of identity and composition for the poultry product that results from the mechanical separation and removal of most of the bone from skeletal muscle and other tissues of poultry carcasses and parts of carcasses, prescribes certain limitations for the use of "Mechanically Separated Poultry" (MSP), and prescribes labeling requirements for MSP and for poultry products and meat products containing MSP as an ingredient. Small businesses affected by this rulemaking include meat and poultry processors.

Questions/ requests for copies: Debbie Wakefield, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 14046 - NOVEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

**Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield IL 62706 217/785-2254**

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

578-02
IL 6x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

December 6, 1996

Issue 49

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

JAN 09 1997

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

Proposed Regulations

New Regulations

DORS SCHOOLS

The DEPARTMENT OF REHABILITATION SERVICES adopted amendments to "Non-Academic Programs and Policies" (89 Ill Adm Code 830), effective 11/22/96. The rulemaking prohibits use of tobacco products on DORS school properties by students, school personnel, or other persons at any time. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those desiring to use DORS facilities.

Questions/requests for copies: Susan Warner, DORS, Regulations and Procedures Division, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

WATER TREATMENT

The ENVIRONMENTAL PROTECTION AGENCY adopted amendments to "Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works" (35 Ill Adm Code 366), effective 11/26/96, to incorporate by reference 1990 census data and apply that data to calculation of the potential financial impact of wastewater improvements. An area's designa-

tion as a Certified City by DCCA is removed as a factor in evaluation of a proposal's economic benefit, and reference to DPH's annual Health Hazard List is replaced with a more general reference to public health hazards. Small municipalities seeking loans to upgrade their wastewater treatment-related infrastructures are affected by this rulemaking.

Questions/requests for copies: Ronald L. Drainer, EPA, 2200 Churchill Rd., Springfield IL 62794-9276, 217/782-2027.

PROPERTY TAX CAPS

The DEPARTMENT OF REVENUE adopted a new section for "Property Tax Code" (86 Ill Adm Code 110) by emergency rulemaking, effective 11/22/96, for a maximum of 150 days. An identical proposed rulemaking appears in this *Illinois Register*. The rulemakings provide guidelines to county clerks for notifying DOR of the results of referenda regarding the applicability of the Property Tax Extension Limitation Law (PTELL). Topics covered include definitions, notice of referendum results, applicability of PTELL to a non-home rule multi-county taxing district, and DOR

DCFS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to "Purchase of Service" (89 Ill Adm Code 357) to require background checks on persons who provide day care services that are funded, in whole or in part, by DCFS. The required background check may include a check of the Child Abuse and Neglect Tracking System (CANTS) and the Statewide Child Sex Offender Registry, a criminal history background check, and fingerprinting. The Department will conduct a criminal history background check on all persons who indicate they have been convicted of other than a minor traffic violation and a random sample of not more than 15% of all other individuals subject to a background check. The definitions of adult, legal child care arrangement, minor traffic violation, and statewide child sex offender registry are added, and the rulemaking specifies that day care service payments may be denied or withdrawn based upon the results of background checks, submittal of false information, or failure to authorize background checks. Audit requirements for day care funds are also clarified. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those that own or operate day care homes or day care centers that provide day care to children who are receiving services from DCFS.

(cont'd next page)

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

*: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

New Regulations

notification of such districts. Some small municipalities may be affected by this rulemaking.

Questions/requests for copies/comments concerning the proposed rulemaking until 1/21/97: Jerry Lanter, DOR, 101 W.

Jefferson, Rm. 5-500, Springfield IL 62794, 217/782-6336.

Proposed Regulations

Questions/requests for copies/comments until 1/21/97: Jacqueline Nottingham, DCFS, 406 E. Monroe, Station #222, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715.

POLLUTION CONTROL

The POLLUTION CONTROL BOARD proposed a new Part entitled "Tiered Approach to Corrective Action Objectives" (35 Ill Adm Code 742) to adopt procedures for the new site remediation program created by Public Act 89-431, including procedures for the development of risk-based correction action objectives for remediation sites. The proposed methodology consists of a

three-tiered analysis applicable to all types of remedial actions, including those conducted pursuant to the new Site Remediation Program (known as Brownfields), the Leaking Underground Storage Tank (LUST) Program, and the Resource Conservation and Recovery Act (RCRA) Part B Permits and Closure Plans. Topics covered include an overview of the tiered approach; key elements and site characterization; and determinations of soil attenuation capacity, soil saturation limit, and compliance with remediation objectives, as well as agency review and appeal procedures. Exposure route evaluations, area background determination, details of the 3 evaluation tiers, institutional

controls and engineered barrier requirements are also included. Small businesses conducting remedial actions pursuant to any remediation programs under the Environmental Protection Act will be affected by this rulemaking.

Written comments referencing Docket R97-12 until 1/21/97: Dorothy Gunn, Clerk, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL or Kimberly Robinson, EPA, Div. of Legal Counsel, PO Box 19276, Springfield IL 62794-9276. Questions/requests for copies: Kevin G. Desharnais at the Chicago PCB address above, 312/814-6926.

JCAR Meeting Agenda

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 12/17/96 JCAR meeting.

DEPARTMENT OF PROFESSIONAL REGULATION

"Illinois Dental Practice Act" (68 Ill Adm Code 1220) proposed 5/17/96 (20 Ill Reg 6638)

SECRETARY OF STATE

"Sale of Information" (92 Ill Adm Code 1002) proposed 9/13/96 (20 Ill Reg 12341)

DEPARTMENT OF PUBLIC HEALTH

"AIDS Drug Reimbursement Program" (77 Ill Adm Code 692) proposed 6/21/96 (20 Ill Reg 8227)

"Rules of Practice and Procedure in Administrative Hearings" (77 Ill Adm Code 100) proposed 6/21/96 (20 Ill Reg 8209)

OFFICE OF THE STATE FIRE MARSHAL

"Boiler and Pressure Repairer Regulations" (41 Ill Adm Code 121) proposed 7/19/96 (20 Ill Reg 9445)

"Boiler and Pressure Vessel Rules for Hearings" (41 Ill Adm Code 123) proposed 7/19/96 (20 Ill Reg 9452)

"Boiler and Pressure Vessel Safety" (41 Ill Adm Code 120) proposed 7/26/96 (20 Ill Reg 9780)

DEPT OF CHILDREN AND FAMILY SERVICES

"Licensing Standards for Day Care Centers" (89 Ill Adm

Code 407) proposed 8/16/96 (20 Ill Reg 10753)

DEPARTMENT OF INSURANCE

"Modified Guaranteed Annuity (MGA) Contracts" (50 Ill Adm Code 1410) proposed 7/26/96 (20 Ill Reg 9803)

DEPARTMENT OF PUBLIC AID

"Hospital Services" (89 Ill Adm Code 148) proposed 9/13/96 (20 Ill Reg 12330)

"Child Support Enforcement" (89 Ill Adm Code 160) proposed 5/24/96 (20 Ill Reg 7288)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Pay Plan" (80 Ill Adm Code 310) proposed 10/11/96 (20 Ill Reg 13102)

ILLINOIS COMMERCE COMMISSION

"Guidelines for Right-of-Way Acquisitions" (83 Ill Adm Code 300) proposed 6/21/96 (20 Ill Reg 8109)

DEPARTMENT OF REVENUE

"Income Tax" (86 Ill Adm Code 100) proposed 9/20/96 (20 Ill Reg 12575)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 14057 - DECEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

**Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield IL 62706 217/785-2254**

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

December 13, 1996

Issue 50

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

JAN 13 1997

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

HOSPITALS

The DEPARTMENT OF PUBLIC AID adopted amendments, effective 11/27/96, for "Hospital Reimbursement Changes" (89 Ill Adm Code 152) and "Hospital Services" (89 Ill Adm Code 148). Similar emergency rulemakings were adopted 7/1/96. Part 152 amendments retain 7/1/95 hospital reimbursement levels for use throughout Fiscal Year 1997. Also, various provisions are added to the rate appeal process to lighten the financial burden on hospitals serving a large number of Medicaid clients. Changes in this rulemaking since its proposal include clarifying that reasonable access to inpatient hospitals may vary according to geographic location and/or type of care. Part 148 amendments delete "inpatient payment adjustments" and add Medicaid High Volume adjustments for transplant service reimbursements. Concerning county-owned hospitals in counties of over 3 million population, amendments continue current payment methodology adjustments that were due to be terminated on 6/30/96. Also, a new section is added to provide funds for inpatient Medicaid services provided in FY 1996 through a new reimbursement methodology during FY 1997. Funds are to be disbursed from a Medical Research and Development Fund and a

Post-Tertiary Clinical Services Fund to specified types of hospitals. Also, 15 "qualified" programs are listed. Changes in this rulemaking since its proposal include restoring previously existing language concerning federally mandated outlier adjustments for organ transplant procedures. Small businesses, small municipalities, and not-for-profit corporations affected by these 2 Parts include those that own or operate hospitals.

Questions/requests for copies of the 2 rulemakings above: Joanne Jones, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/524-0081.

MINING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments, effective 12/2/96, to rules entitled "Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations" (62 Ill Adm Code 1800) to add a new section to allow self-bonding by permit applicants who met specified criteria. Changes in this rulemaking since its proposal include deleting a definition of generally accepted accounting principles that was added at 2nd Notice. This change was later deemed incompatible with federal regulations.

(cont'd next page)

PROPERTY TAXES

The PROPERTY TAX APPEAL BOARD proposed amendments to "Procedures" (86 Ill Adm Code 1910) to reflect that the Board's jurisdiction has been expanded to include Cook County, beginning with the 1/1/96 assessment year. Other changes include deleting coal extraction rights from the definition of real property, changing the threshold above which the contesting party must provide a court reporter from \$25,000 to \$100,000 and specifying that a Board decision that lowers the assessment on a particular parcel containing an owner-occupied residence shall remain in effect the remainder of the general assessment period, subject to equalization and specified exceptions. The rulemaking also states that if a taxpayer files specific objections based upon valuation in the circuit court, a taxing body shall be precluded from filing an appeal concerning such property with the Board. Other topics covered by the rulemaking pertain to the conduct of Board hearings. Small businesses, small municipalities, and not-for-profit corporations affected by the rulemaking include businesses owning taxable real property and local governments desiring to intervene in appeals to the Board.

Questions/requests for copies/comments until 1/27/97: James W. Chipman, PTAB, 402 Stratton Bldg., Springfield IL 62706, 217/782-6076.

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

SR: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

(page 3)

New Regulations

Questions/requests for copies: Karen Jacobs, DNR, Office of Mines and Minerals, 524 S. 2nd St., Springfield IL 62701, 217/782-1809.

BOATING

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to "Designation of Restricted Waters in the State of Illinois" (17 Ill Adm Code 2030), effective 12/2/96, to add the portion of the Mississippi River known as Savanna Slough in Region 1 to the list of areas designated as "Slow, No Wake".

WATERCRAFT FOR HIRE

DNR also adopted a new Part entitled "Operation of Watercraft Carrying Passengers for Hire on Illinois Waters" (17 Ill Adm Code 2080), effective 12/2/96, to establish rules governing boats carrying passengers for hire. Topics covered include definitions, applicability, dry dock and dockside inspections, exemptions, licensing requirements, license or decal display, license or decal misuse, and suspension or revocation of decals and licenses. Changes in this rulemaking since its proposal include replacing the terms "certificate" or "certification" with "decal" and/or "license". Small businesses affected by this rulemaking include those operating watercraft carrying passengers for hire.

Questions/requests for copies of the 2 rulemakings above: Jack Price at the DNR address above.

REHABILITATION SERVICES

The DEPARTMENT OF REHABILITATION SERVICES adopted amendments to "Eligibility" (89 Ill Adm Code 682), effective 12/3/96, to specify that an individual

cannot receive services through the DORS Home Services Program if he or she is also receiving services through any other agency's home care program that seeks reimbursement through a Medicaid waiver. A specific list of programs is deleted.

Questions/requests for copies: Susan Warrner, DORS, PO Box 19429, Springfield IL 62794-9429, 217/785-3896, TTY 217/785-9301.

DRUNK DRIVING

The SECRETARY OF STATE adopted amendments for "Procedures and Standards" (92 Ill Adm Code 1001), effective 11/28/96. A related emergency rulemaking was adopted 7/1/96. This rulemaking includes various amendments for the Breath Alcohol Ignition Interlock Device Pilot Program (BAIID) and strikes a 6/30/96 program sunset date. These devices are designed to prevent vehicle ignition by an intoxicated driver. Any conviction for reckless homicide is included under the definition of DUI disposition. Changes in this rulemaking since its proposal include deleting any reference to judicial driving permits in the definition of BAIID eligible petitioner. Definitions of lockout and recidivist were also changed. BAIID permittees are no longer prohibited from sending the device (or the appropriate portion of the device) to the manufacturer sooner than every 50 days for the purposes of calibration and preparation of a monitor report. The number of unsuccessful attempts to start the vehicle before the Secretary takes action and before permanent lockout is required has been changed from 5 to 10, and the requirements that installers of BAIID carry liability insurance and correct mechanical conditions in permit-

tees' vehicles have been deleted. Also, the requirement that alternative installation locations be located within a 75-mile radius of the permittee's residence has been added. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include law enforcement agencies and manufacturers and installers of BAIID mechanical units.

Questions/requests for copies: Jay Mesi, Office of the SOS, 200 Howlett Bldg., Springfield IL 62756, 217/785-8237.

TAXES

The DEPARTMENT OF REVENUE adopted amendments to rules entitled "Retailers' Occupation Tax" (86 Ill Adm Code 130), effective 12/2/96, to specify recordkeeping requirements for taxpayers who keep tax records in machine-sensible format and those who prepare tax records using automated data processing systems. The rulemaking also explains required DOR accessibility to such information. Concerning record retention requirements, DOR modifies requirements to reflect new technology but states that it may, rather than will, authorize destruction of original records if they are already preserved on microfilm or microfiche. The rulemaking also adds record retention limitation agreements and explains their use. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include any subject to the Retailers' Occupation Tax Act.

Questions/requests for copies: Terry D. Charlton, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

Proposed Regulations

RULEMAKING WITHDRAWN

The DEPARTMENT OF REHABILITATION SERVICES has withdrawn proposed amendments to "Services" (89 Ill Adm Code 509) that appeared in the 8/2/96 *Illinois Register*. The amendments specified that all equipment provided for a customer's use must be vocationally related rather than for non-vocational personal use. The rulemaking also required the customer to be able to fully use the equipment and stated that DORS would provide training in equip-

ment use, if necessary. DORS states that the proposed rulemaking was withdrawn because the wrong version was inadvertently filed.

Questions/requests for copies: Susan Warner at the DORS address above.

RULEMAKING CORRECTION

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES published a correction for amendments to "Pay Plan" (80 Ill Adm Code 310) that were pro-

posed in the 11/22/96 *Illinois Register*. The purpose of the rulemaking is to reflect the recent increase in the minimum wage to \$4.75 per hour, but the published text contained an error in the pay rate for educator aides. The correct daily rate is \$36/day. The 45-day 1st Notice Period begins anew with this issue of the *Illinois Register*.

Questions/requests for copies/comments until 1/27/97: Michael Murphy, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-5601.

Second Notices

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The DES rulemakings will be considered at the 12/17/96 JCAR meeting, and the DPA and DOI rulemakings are scheduled for the 1/21/97 meeting. Please note that this weekly listing of second notices received is no longer called the JCAR Meeting Agenda. Compilation of the monthly meeting agenda is a continuous process over a period of several weeks as second notices come in from various agencies. Therefore, each week's listing in the newsletter is just a portion of what the final agenda will be. We hope this listing keeps you informed concerning the issues currently before the Committee.

DEPARTMENT OF EMPLOYMENT SECURITY

"Determination of Unemployment Contributions" (56 Ill Adm Code 2770) proposed 10/25/96 (20 Ill Reg 13685)

"Disqualifying Income and Reduced Benefits" (56 Ill Adm Code 2920) proposed 10/25/96 (20 Ill Reg 13692)

DEPARTMENT OF PUBLIC AID

"Aid to Families with Dependent Children" (89 Ill Adm Code 112) proposed 10/11/96 (20 Ill Reg 13138)

DEPARTMENT OF INSURANCE

Repeal of "Extension of Service to Additional Counties" (50 Ill Adm Code 5602) proposed 8/23/96 (20 Ill Reg 11437)

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 14125 - DECEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

The Flinn Report

Illinois General Assembly

Illinois

Regulation

**Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield IL 62706 217/785-2254**

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870

348 0-0
Illex

DOC

The Flinn Report

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

December 20, 1996

Issue 51

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

DEPOSITORY

JAN 13 1997

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

New Regulations

Proposed Regulations

PRISONS

The DEPARTMENT OF CORRECTIONS adopted amendments to "Rights and Privileges" (20 Ill Adm Code 525), effective 1/1/97, to allow visitors to wear certain religious headgear, clarify rules for clergy visitation; define "deputy director"; and specify that adult division outgoing privileged mail shall be (and juvenile mail may be) checked using an x-ray, fluoroscope, or similar device. Such mail will not be opened except in the committed person's presence in an emergency. The rulemaking also includes additional regulations concerning telephone privileges and adds "legitimate penological interests" to the reasons that a committed person's request to marry may be denied. Changes in this rulemaking since its proposal include deleting "local" legislators from the list of persons to and from whom mail is privileged and clarifying the types of phone numbers to which committed persons may not place calls. For example, committed persons are prohibited from placing calls to long-distance carriers or engaging in call forwarding or conference calls. Also, information regarding requests for home and family furlough by committed persons in the adult division is deleted because DOC does not grant such furloughs.

Questions/requests for copies: Donald N. Snyder, Jr. DOC, 1301 Concordia Ct., PO Box 19277 Springfield IL 62794-9277, 217/522-2666 ext. 2082

RADIOLOGIC HAZARDS

The DEPARTMENT OF NUCLEAR SAFETY adopted amendments to "General Provisions" (32 Ill Adm Code 310), effective 12/9/96, to add a new section entitled "Emergency Response Cost Recovery" to permit DNS to assess the costs of its response to conditions that constitute an immediate threat to health against the person or persons responsible for such condition. If unable to determine the responsible party, DNS may assess the costs against the owner of the property, and such costs constitute a lien against the property until paid. Topics covered include basis for cost assessments, the items that constitute actual response costs, costs incurred by other units of government while assisting DNS, submission format and requirements for approval of costs, procedure for denial of cost reimbursement to a governmental unit, and hearing requirements. Small businesses, not-for-profit corporations, and small municipalities affected by this rulemaking include those deemed responsible for the creation or continuation of certain

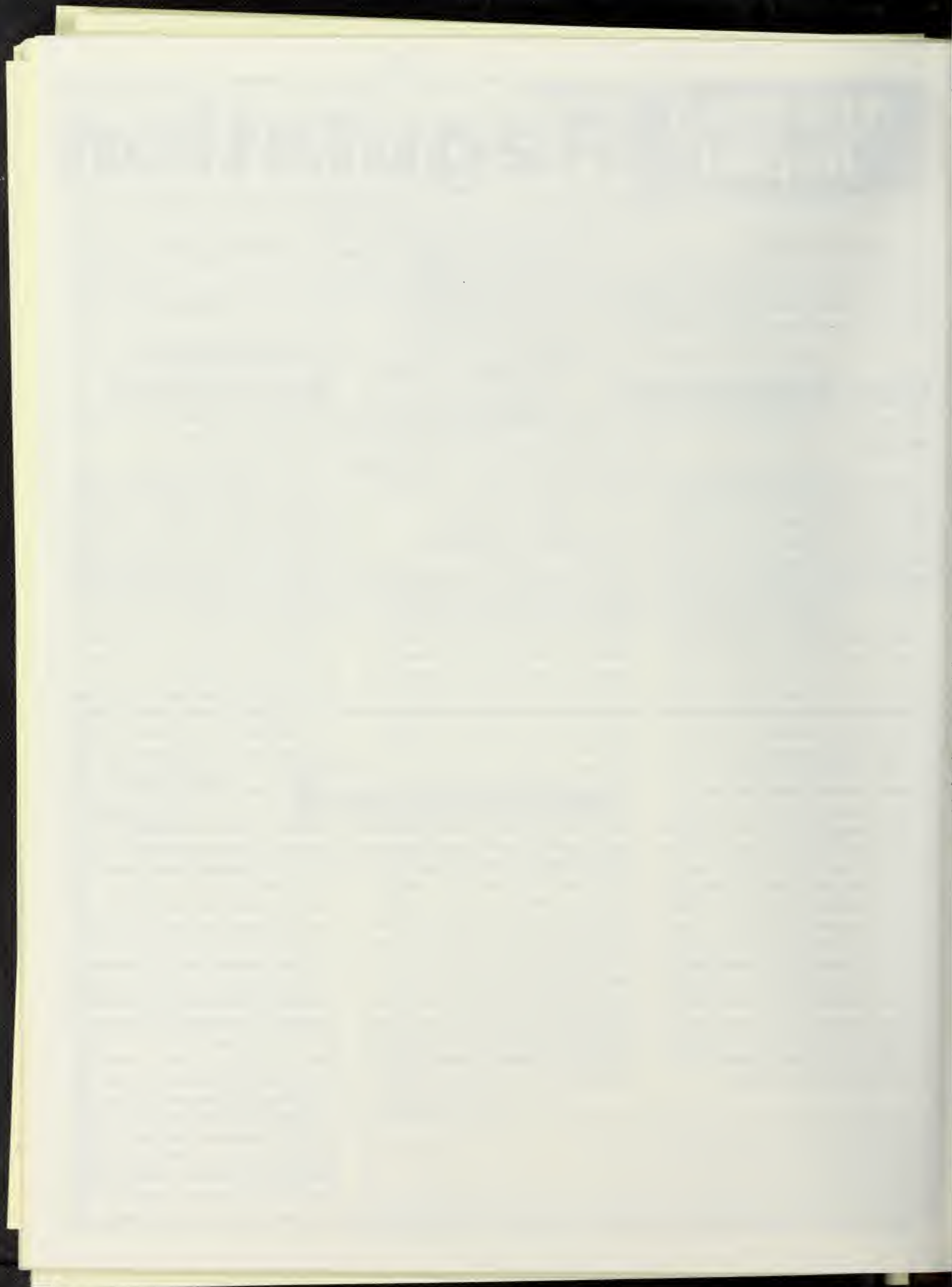
(cont'd next page)

LIVESTOCK WASTE

The POLLUTION CONTROL BOARD proposed a new Part entitled "Livestock Waste Regulations" (35 Ill Adm Code 505) to implement the Livestock Management Facilities Act. A similar emergency rule was adopted 10/31/96 at 20 Ill Reg 14903. The rulemaking specifies livestock waste lagoon standards for any lagoon that is new or modified and has not been placed in service before this Part becomes effective. Topics covered include definitions, site investigation, registration, lagoon design and liner standards, groundwater monitoring, construction certification, and non-compliance. The rulemaking requires facility owners or operators with 1,000 to 6,999 animal units to prepare and maintain a waste management plan within 60 days. It also allows a facility under 7,000 animal units to operate on an interim basis for a maximum of 6 months to allow the owner or operator time to develop a waste management plan. Facility owners or operators with 7,000 or more animal units must submit waste management plans to the Department of Agriculture for approval within 60 days for existing facilities and prior to commencing operation for new facilities. Waste plan contents, recordkeeping, plan approval, and non-compliance penalties are specified. The rulemaking requires that a facility serving 300 or more animal units be operated only under a certified livestock manager's supervision. Manager certification procedures are specified. The

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.
PROPOSED REGULATIONS: Rules proposed by agencies, but not yet adopted. Public comments must be accepted by the agency for the period of time indicated.
REGULATIONS: Rules that have been adopted and are in effect.
QUESTIONS/COMMENTS: Questions and comments received from the public.
REGULATORY ACTION: Regulatory action taken by the agency.
REGULATORY STATUS: Regulatory status of the rule.
REGULATORY EFFECTIVE DATE: Effective date of the rule.
REGULATORY EXPIRATION DATE: Expiration date of the rule.
REGULATORY REPEAL DATE: Repeal date of the rule.
REGULATORY AMENDMENT DATE: Amendment date of the rule.
REGULATORY CANCELLATION DATE: Cancellation date of the rule.
REGULATORY SUSPENSION DATE: Suspension date of the rule.
REGULATORY REVOCATION DATE: Revocation date of the rule.
REGULATORY REINSTATEMENT DATE: Reinstatement date of the rule.
REGULATORY REPEAL DATE: Repeal date of the rule.
REGULATORY AMENDMENT DATE: Amendment date of the rule.
REGULATORY CANCELLATION DATE: Cancellation date of the rule.
REGULATORY SUSPENSION DATE: Suspension date of the rule.
REGULATORY REVOCATION DATE: Revocation date of the rule.
REGULATORY REINSTATEMENT DATE: Reinstatement date of the rule.



New Regulations

radiologic emergencies, as well as those seeking to recoup their radiologic emergency response costs from responsible parties.

Questions/requests for copies: Robert B. Holtsclaw, DNS, 1035 Outer Park Dr., Springfield IL 62704, 217/524-1003, TDD 217/782-6133.

AFDC

The DEPARTMENT OF PUBLIC AID adopted amendments to "Aid to Families with Dependent Children" (89 Ill Adm Code 112), effective 12/9/96, to provide an extension of medical assistance for refugee cases when a cash case is terminated due to new or increased earnings from employment or when a medical assistance only case would be placed in spend-down status due to new or increased earnings from employment. The extension shall last 4 months or to the end of the eligibility period for refugee assistance, whichever is less.

MEDICAL ASSISTANCE

DPA also adopted amendments to "Medical Assistance Programs" (89 Ill Adm Code 120), effective 12/9/96, to change the Medical Assistance-No Grant (MANG) budgeting process by dropping cents from each unearned income payment amount, adding multipliers for weekly and bi-weekly payments, and averaging self-employment income over the previous year. The amount of certain earned or unearned income exempted when calculating MANG (AABD) is raised from \$7.50 to \$25, and the earned income disregard for MANG (C) is set at \$90/month. Also, a section that defines payment levels for MANG is repealed.

Questions/requests for copies of the 2 rulemakings above: Judy Umunna, DPA, Bureau of Rules and Regulations, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/524-0081

FOSTER FAMILY LICENSURE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES adopted an emergency amendment for "Relative Home Placement" (89 Ill Adm Code 335), effective 12/10/96, for a maximum of 150 days. An identical proposed rulemaking appears in this issue of the *Illinois Register*. The Department is extending by one year the amount of time that relative caregivers have to fulfill current licensure requirements if the caregivers were, as of 7/1/95, approved under previous DCFS rules. Licensure must be successfully completed or all administrative appeals of licensure denial must be exhausted by 12/31/97 rather than 12/31/96.

Questions/requests for copies/comments concerning the proposed rulemaking until 2/3/97: Jacqueline Nottingham, DCFS, 406 E. Monroe St., Station #222, Springfield IL 62701-1498, 217/524-1983, TTY 217/524-3715.

Proposed Regulations

rulemaking also includes subparts concerning penalties, financial responsibility for closure, and required setback distances. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include livestock management facility owners or operators; engineers and others involved in livestock waste lagoon design, construction, or monitoring; groundwater monitors; and landowners where livestock waste is applied to fields.

Questions/requests for copies/comments until 2/3/97: Dorothy Gunn, Clerk, PCB, 100 W. Randolph, Ste 11-500, Chicago IL 60601, 312/814-6931. Questions also may be directed to Audry Lozuk-Lawless at 312/814-6923 or 815/753-0947.

STATE MANDATES

The DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS proposed a new Part entitled "State Mandates Program" (53 Ill Adm Code 200) to

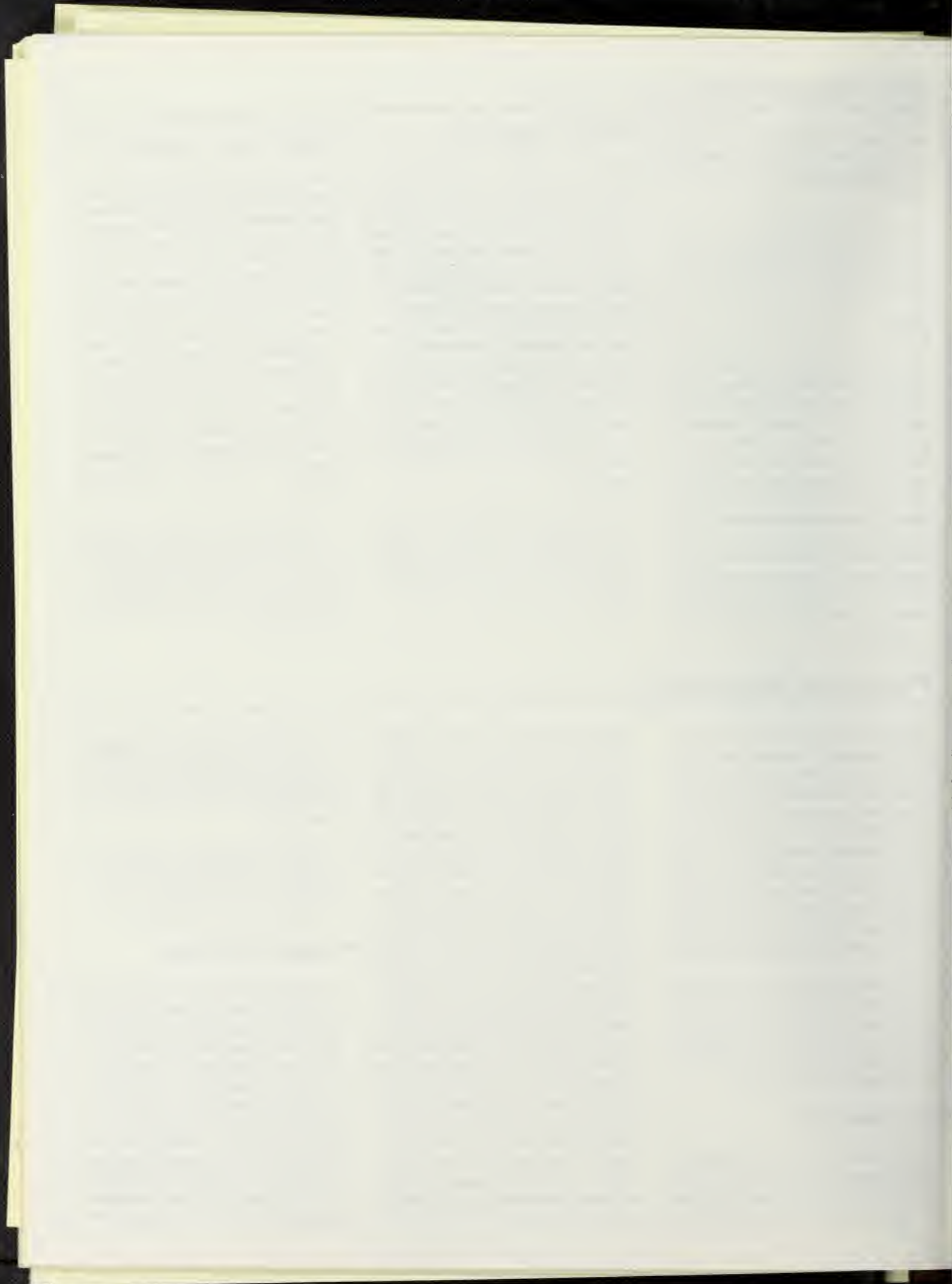
enable units of local government to file a request for mandate determination from DCCA when State-initiated action unsupported by a corresponding appropriation for reimbursement requires a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues. Such requests for mandate determination are not, however, to be filed in response to orders issued by a court for reasons other than enforcement of statutory or executive action, nor to legislation enacted to comply with a federal mandate. In response to a mandate determination request, DCCA shall determine whether the action constitutes a State mandate and if so, the statewide cost of implementation. Compliance costs incurred by local governments are reimbursable only when funds are appropriated for that purpose, according to DCCA. The rulemaking also establishes a procedure whereby units of local government may submit reimbursement

claims to DCCA if the General Assembly has appropriated funds from which such reimbursements can be made. Small municipalities will be affected by this rulemaking.

Questions/requests for copies/comments until 2/3/97: Molly Elmore, DCCA, 620 E. Adams St., 6th Fl., Springfield IL 62701, 217/785-6315, TDD 217/785-6055.

LIQUEFIED PETROLEUM

The OFFICE OF THE ST. FIRE MARSHAL proposed amendments to rules entitled "Storage, Transportation, Sale and Use of Liquefied Petroleum Gas" (41 Ill Adm Code 200) to update incorporations by reference for National Fire Protection Association Standard #54, "The National Fuel Gas Code", and Standard #501C, "Recreational Vehicles", to the 1996 editions. According to OSFM, the incorporation of Standard #501C pertains only to the "fuel system and equipment", such as water heaters



Proposed Regulations

and stoves, that operate on liquefied petroleum gas in recreational vehicles. Small businesses affected by this rulemaking include those installing, operating, or maintaining gas appliances or gas piping in buildings or recreational vehicles.

Questions/requests for copies/comments until 2/3/97: Jack Ahern, OSFM, 100 W. Randolph, Ste. 11-800, Chicago IL 60601, 312/814-2693.

REAL ESTATE LICENSURE

The OFFICE OF BANKS AND REAL ESTATE proposed amendments to rules entitled "Real Estate License Act of 1983" (68 Ill Adm Code 1450) to create an in-house database of continuing education (CE) records for all licensed real estate sales persons and brokers and to expand procedures governing the treatment of licensees in non-compliance with CE requirements. Licenses may be suspended or revoked for failure to meet compliance requirements; however, such licensees are afforded an opportunity to either prove current compliance or to correct deficiencies by taking courses during a 60-day notice period and paying a non-refundable fee. CE course sponsors must file reports by the 15th of each month detailing training conducted during the previous month. Monthly reports are to include the name, address, social security number and license number of course graduates; the name, number, category and identification number of the course; and the date and time classes were held. Sponsors not conducting CE courses during the preceding calendar month shall also report that fact in writing. CE sponsors submitting reports on paper or in a format not approved by the OBRE will be assessed a fee of \$.50 per licensee, and a \$200 fee will also be assessed for late reporting. Courses of sponsors who fail to file monthly reports or fail to pay the required fees for 3 consecutive months may be disqualified. Small businesses affected by this

rulemaking include licensees under the Real Estate License Act of 1983.

Questions/requests for copies/comments until 2/3/97: John Arthur, Office of Banks and Real Estate, 500 E. Monroe, Ste. 800, Springfield IL 62701-1509, 217/782-3000.

FOSTER FAMILY HOMES

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments for "Licensing Standards for Foster Family Homes" (89 Ill Adm Code 402) to define an "expanded capacity license provision" whereby a foster family home will be allowed to accept more than 6 children (including the family's own children under age 18 and all other children under 18 receiving full-time care) for foster care or adoptive placements only under specified conditions. The current limit is 8 children per foster family. Provision is also made for respite foster care. Concerning independent foster family homes, the rulemaking does not allow more than 2 children under the age of 2 unless the foster family is accommodating a sibling group on a temporary basis. Current rule does not require that the arrangement be temporary. The amendments also add standards by which to judge a foster family licensee's capability and add licensure training requirements through DCFS-approved programs.

Questions/requests for copies/comments until 2/3/97: Jackie Nottingham at the DCFS address above.

PUBLIC WATER SUPPLIES

The POLLUTION CONTROL BOARD proposed amendments for the following 7 Parts: "Introduction" (35 Ill Adm Code 601), "Permits" (35 Ill Adm Code 602), "Ownership and Responsible Personnel" (35 Ill Adm Code 603), "Operation and Record Keeping" (35 Ill Adm Code 607), "Existing Activities in a Set-back Zone or Regulated Recharge Area" (35 Ill Adm Code 615), "Regulated Re-

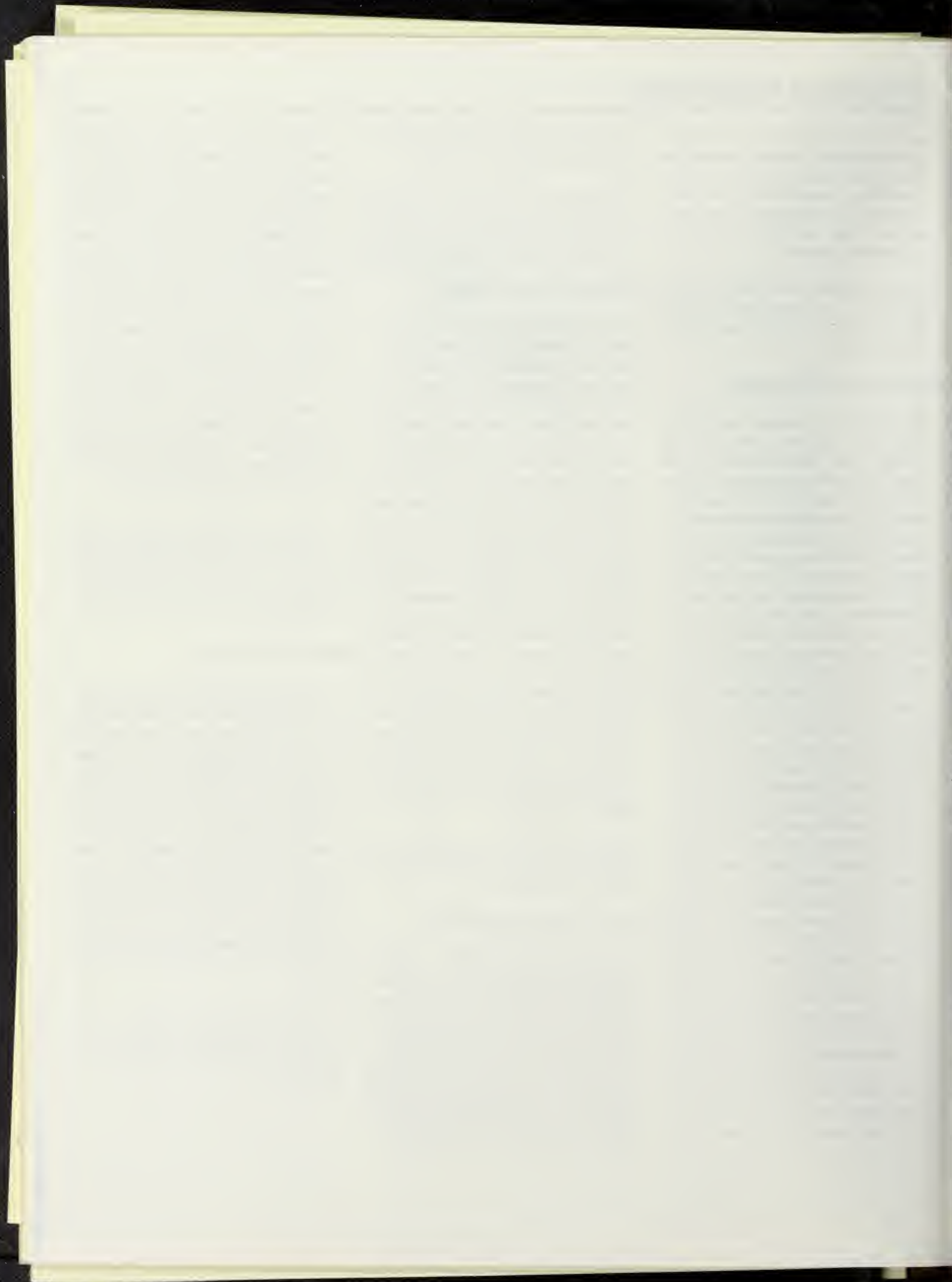
charge Areas" (35 Ill Adm Code 617), and "Groundwater Quality" (35 Ill Adm Code 620). Most changes are of a non-substantive nature, such as updating ILCS citations. In addition, Part 602 amendments specify that the Environmental Protection Agency shall not place public water supplies on restricted status when the radium-226, radium-228, and gross alpha particle activity levels are below a specified level. Neither shall EPA deny any required construction or operating permit based upon the specified radium levels. Small businesses, small municipalities, and not-for-profit corporations affected by these 7 rulemakings include those supplying drinking water to at least 25 of the same persons over 6 months per year.

Questions/requests for copies/comments concerning the 7 rulemakings above until 2/3/97: Michael J. McCambridge, PCB, 100 W. Randolph, Chicago IL 60601, 312/814-6924. Comments should reference Docket R96-18.

RULE WITHDRAWAL

The DEPARTMENT OF REVENUE withdrew proposed amendments to "Income Tax" (86 Ill Adm Code 100) pending further consideration. The proposed rulemaking was published in the *Illinois Register* on 7/19/96 and detailed the types of organizations that constitute "financial organizations" under the Illinois Income Tax Act. Small businesses that would have been affected by the adoption of this proposed rulemaking include any small banks, safe deposit companies, loan companies, currency exchanges or other businesses that fall within the financial organization category.

Questions/requests for copies: Paul Caselton, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.



JCAR Meeting Action

At its 12/17/96 meeting, the Joint Committee voted the following 2 objections and one recommendation. The Committee also voted to publish a Notice of Failure to Remedy for the DOL rulemaking below.

SECRETARY OF STATE

JCAR objects to the proposed Secretary of State rulemaking entitled "Sale of Information" (92 Ill Adm Code 1002) because the Secretary's rulemaking fails to adequately consider the economic effects of this rulemaking upon those regulated, in particular, small businesses, contrary to Sections 5-30 and 5-110(a) of the Illinois Administrative Procedure Act (IAPA) and pursuant to Section 220.900(a)(2)(B) of the Committee's operational rules.

ILLINOIS HISTORIC PRESERVATION AGENCY

The Joint Committee objects to the Historic Preservation Agency's rulemaking entitled "Rules for the Protection, Treatment and Inventory of Archaeological and Paleontological Resources on Public Land" (17 Ill Adm Code 4190; 20 Ill Reg 10496) because, in light of extensive changes the Agency needs to make in this new program to more clearly implement the Archaeological and Paleontological Resources Protection Act [20 ILCS 3435], the Agency and JCAR believe that a new rulemaking would be more appropriate and, thereby, give the public additional opportunity to comment on anticipated changes.

DEPARTMENT OF AGRICULTURE

Concerning DOA's rulemaking entitled "Egg and Egg Products Act" (8 Ill Adm Code 65) that was proposed 9/20/96, the Committee recommends that the Department of Agriculture continue its efforts, along with the Department of Public Health, the United States Department of Agriculture, and the federal Food and Drug Administration, to develop a uniform egg holding temperature that will ensure the safety of the product delivered to the consumer. In December 1995, when JCAR was considering a DOA amendatory rulemaking lowering egg holding temperatures, it became apparent that both DOA and the Department of Public Health had rules setting egg holding temperatures. JCAR recommended that legislation be passed to clarify each agency's jurisdiction and an inter-agency agreement be used in the interim. Neither was done. Instead, the rulemaking cited above was proposed to clarify jurisdiction. The Committee finds that the current rulemaking fails to completely solve the problem of regulating egg holding temperatures. Therefore, in addition to the above recommendation, JCAR asks that DOA and DPH report back to the Committee no later than December 1997 concerning progress made.

DEPARTMENT OF LABOR

Concerning amendments to "Minimum Wage Law" (56 Ill Adm Code 210) that were proposed 8/2/96 and adopted 12/2/96, the Committee has voted to publish a Notice of Failure to Remedy. JCAR previously objected to the rulemaking in October because the Department failed to provide standards governing what shall be considered "good cause" in granting continuances of informal investigative conferences, contrary to Section 5-20 of the IAPA. In response, the Department refused to modify the rulemaking in order to address the Committee's Objection.

Section 5-20 of the IAPA requires that each rule implementing a discretionary power include the standards by which the agency shall exercise the power. JCAR does not ask that agencies foresee every eventuality that the agency could be asked to address, nor does it seek to deny agencies reasonable flexibility in dealing with affected public. It does, however, ask agencies to provide, through examples and nonrestrictive lists of frequently used bases for exercising the discretion, some guidance to the public who may be in a position to seek a continuance, as well as guidance to the agency personnel who will be exercising the discretion.

Date		Patient		Physician	
1911	1	1	1	1	1
1911	2	2	2	2	2
1911	3	3	3	3	3
1911	4	4	4	4	4
1911	5	5	5	5	5
1911	6	6	6	6	6
1911	7	7	7	7	7
1911	8	8	8	8	8
1911	9	9	9	9	9
1911	10	10	10	10	10
1911	11	11	11	11	11
1911	12	12	12	12	12
1911	13	13	13	13	13
1911	14	14	14	14	14
1911	15	15	15	15	15
1911	16	16	16	16	16
1911	17	17	17	17	17
1911	18	18	18	18	18
1911	19	19	19	19	19
1911	20	20	20	20	20
1911	21	21	21	21	21
1911	22	22	22	22	22
1911	23	23	23	23	23
1911	24	24	24	24	24
1911	25	25	25	25	25
1911	26	26	26	26	26
1911	27	27	27	27	27
1911	28	28	28	28	28
1911	29	29	29	29	29
1911	30	30	30	30	30
1911	31	31	31	31	31
1911	32	32	32	32	32
1911	33	33	33	33	33
1911	34	34	34	34	34
1911	35	35	35	35	35
1911	36	36	36	36	36
1911	37	37	37	37	37
1911	38	38	38	38	38
1911	39	39	39	39	39
1911	40	40	40	40	40
1911	41	41	41	41	41
1911	42	42	42	42	42
1911	43	43	43	43	43
1911	44	44	44	44	44
1911	45	45	45	45	45
1911	46	46	46	46	46
1911	47	47	47	47	47
1911	48	48	48	48	48
1911	49	49	49	49	49
1911	50	50	50	50	50
1911	51	51	51	51	51
1911	52	52	52	52	52
1911	53	53	53	53	53
1911	54	54	54	54	54
1911	55	55	55	55	55
1911	56	56	56	56	56
1911	57	57	57	57	57
1911	58	58	58	58	58
1911	59	59	59	59	59
1911	60	60	60	60	60
1911	61	61	61	61	61
1911	62	62	62	62	62
1911	63	63	63	63	63
1911	64	64	64	64	64
1911	65	65	65	65	65
1911	66	66	66	66	66
1911	67	67	67	67	67
1911	68	68	68	68	68
1911	69	69	69	69	69
1911	70	70	70	70	70
1911	71	71	71	71	71
1911	72	72	72	72	72
1911	73	73	73	73	73
1911	74	74	74	74	74
1911	75	75	75	75	75
1911	76	76	76	76	76
1911	77	77	77	77	77
1911	78	78	78	78	78
1911	79	79	79	79	79
1911	80	80	80	80	80
1911	81	81	81	81	81
1911	82	82	82	82	82
1911	83	83	83	83	83
1911	84	84	84	84	84
1911	85	85	85	85	85
1911	86	86	86	86	86
1911	87	87	87	87	87
1911	88	88	88	88	88
1911	89	89	89	89	89
1911	90	90	90	90	90
1911	91	91	91	91	91
1911	92	92	92	92	92
1911	93	93	93	93	93
1911	94	94	94	94	94
1911	95	95	95	95	95
1911	96	96	96	96	96
1911	97	97	97	97	97
1911	98	98	98	98	98
1911	99	99	99	99	99
1911	100	100	100	100	100

Second Notices

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 1/21/97 meeting.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"State of Illinois Medical Care Assistance Plan" (80 III Adm Code 2120) proposed 9/27/96 (20 III Reg 12682)

"State of Illinois Dependent Care Assistance Plan" (80 III Adm Code 2110) proposed 9/27/96 (20 III Reg 12678)

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

"Minimum Standards for Licensure of Community Residential Alternatives" (59 III Adm Code 113) proposed 10/18/96 (20 III Reg 13497)

"Minimum Standards for Certification of Developmental Training Programs" (59 III Adm Code 119) proposed 10/18/96 (20 III Reg 13492)

"Treatment and Habilitation Services" (59 III Adm Code 112) proposed 10/18/96 (20 III Reg 13507)

"Standards and Licensure Requirements for Community-Integrated Living Arrangements" (59 III Adm Code 115) proposed 10/18/96 (20 III Reg 13502)

DEPARTMENT OF INSURANCE

"Annual Audited Financial Report" (50 III Adm Code 925) proposed 9/27/96 (20 III Reg 12687)

DEPARTMENT OF PUBLIC HEALTH

Repeal of "Trauma Nurse Specialist Course Code" (77 III Adm Code 542) proposed 8/30/96 (20 III Reg 11886)

Repeal of "Illinois Trauma Center Code" (77 III Adm Code 540) proposed 8/30/96 (20 III Reg 11835)

Repeal of "Emergency Medical Services Code" (77 III Adm Code 535) proposed 8/30/96 (20 III Reg 11743)

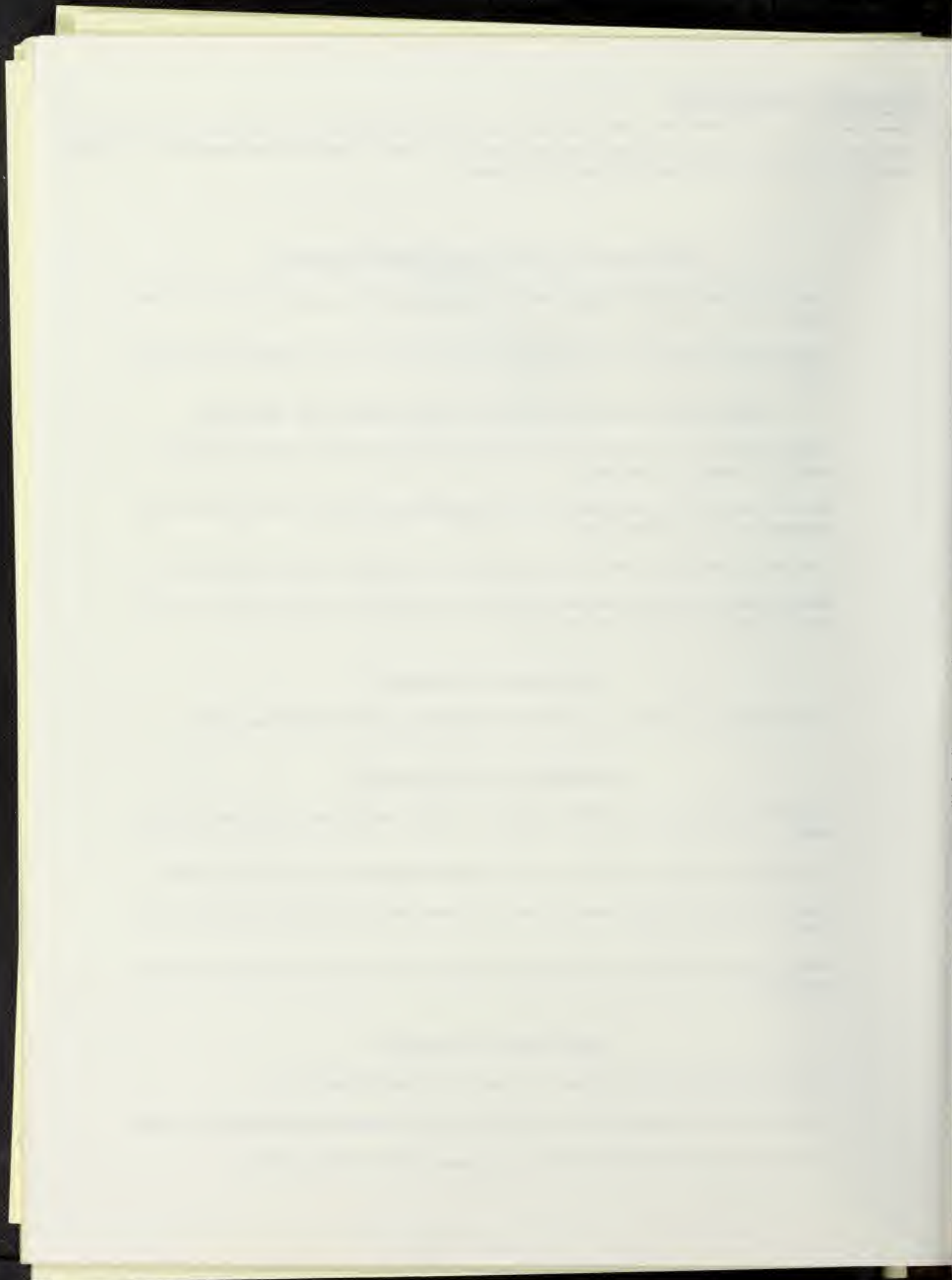
"Emergency Medical Services and Trauma Center Code" (77 III Adm Code 515) proposed 8/30/96 (20 III Reg 11602)

DEPARTMENT OF PUBLIC AID

"Assistance Standards" (89 III Adm Code 111) proposed 10/4/96 (20 III Reg 13031)

"Aid to Families with Dependent Children" (89 III Adm Code 112) proposed 8/30/96 (20 III Reg 11560)

"Demonstration Programs" (89 III Adm Code 170) proposed 10/25/96 (20 III Reg 13900)



Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 14179 - DECEMBER 1996 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

**Illinois
Regulation**

Illinois General Assembly

Joint Committee on Administrative Rules
700 Stratton Office Bldg Springfield IL 62706 217/785-2254

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO 870

The following is a list of the names of the persons who have been
 named in the various reports of the Committee on the
 subject of the proposed amendment to the Constitution.
 The names are arranged in alphabetical order, and are
 given in full, with the name of the State or Territory
 to which they are attached.

The following is a list of the names of the persons who have been
 named in the various reports of the Committee on the
 subject of the proposed amendment to the Constitution.
 The names are arranged in alphabetical order, and are
 given in full, with the name of the State or Territory
 to which they are attached.

348.02
Ill 6x

The Flinn Report

Doc

Illinois

Regulation

Joint Committee on Administrative Rules

700 Stratton Office Building

Illinois General Assembly

Springfield IL 62706 217/785-2254

VOL. 20

December 27, 1996

Issue 52

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

Proposed Regulations

TAXES

AGRICULTURE

PUBLIC AID

The DEPARTMENT OF REVENUE adopted amendments, effective 12/16/96, for 4 Parts entitled "Retailers' Occupation Tax" (86 Ill Adm Code 130), "Service Occupation Tax" (86 Ill Adm Code 140), "Use Tax" (86 Ill Adm Code 150), and "Service Use Tax" (86 Ill Adm Code 160) to implement Public Act 89-115. The statute exempts from the above taxes tangible personal property purchased for lease to a governmental entity for a lease period of one year or longer. A similar exemption is added for computers and certain equipment purchased for lease to an exempt hospital. Small businesses that lease tangible personal property to government entities and certain other types of equipment to not-for-profit hospitals will be affected by these rulemakings. Also, small municipalities and not-for-profit hospitals leasing such equipment will be affected.

Questions/requests for copies of the 4 rulemakings above: Terry D. Charlton, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-6996.

The DEPARTMENT OF AGRICULTURE adopted amendments, effective 1/1/97, for the following 5 Parts: "Animal Diagnostic Laboratory Act" (8 Ill Adm Code 110), "Bovine Brucellosis" (8 Ill Adm Code 75), "Equine Infectious Anemia Control" (8 Ill Adm Code 116), "Livestock Auction Markets" (8 Ill Adm Code 40), and "Livestock Dealer Licensing" (68 Ill Adm Code 610). Part 110 lowers laboratory testing fees for multiple toxoplasmosis and vesicular stomatitis tests, and eliminates additional charges for test results issued by facsimile. Parts 40 and 610 prohibit the diversion of diseased animals en route to slaughter from the destination listed on required forms, and Part 40 permits change of ownership for such animals only upon DOA approval. Part 116 adds a 15-day time limit for getting quarantine facilities for a diseased animal in place, limits to 10 days the time period in which the animal may be euthanized or shipped to slaughter after its confirmatory test for disease, and prohibits diverting the animal en route. The rulemaking also repeals a section concerning movement of equidae through livestock sales and

The DEPARTMENT OF PUBLIC AID proposed amendments for "Medical Assistance Programs" (89 Ill Adm Code 120) to delete a provision for averaging the previous year's income of self-employed persons for the purpose of determining earned income under the Medical Assistance-No Grant (MANG) program. According to DPA, this averaging provision cannot be implemented.

DPA also proposed amendments for "Medical Payment" (89 Ill Adm Code 140) to provide monthly transitional payments for certain clinics to use in managing clients' health care needs. Eligible clinics must be either a Federally Qualified Health Center (FQHC) or an Encounter Rate Clinic that has provided comprehensive health services to Medicaid clients prior to December 1996. The clinics also must have signed a transitional payment contract with DPA and have a contract with a health maintenance organization (HMO), a prepaid health plan (PHP), or a managed care entity (MCE). The rulemaking states that patient base will be mutually agreed upon by DPA and the qualifying clinic and specifies monthly per patient payments ranging from \$8 per member to \$2 per member over a 3-year contract period. The Department caps the total amount of transitional payments at \$2,625,000 through 6/30/97, and stipulates \$4,500,000 for each 12-month period thereafter. Transitional payments

(cont'd next page)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞ Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing the volume and issue number of this copy of The Flinn Report or the Illinois Register will expedite the process. Be advised that some agencies charge copying fees.

(cont'd next page)

New Regulations

auction markets. According to the Department, this section is obsolete because it requires testing of slaughter animals for equine infectious anemia at market. Part 75 amendments update incorporation of federal regulations pertaining to bovine brucellosis, prohibit diversion of animals en route to slaughter, add a special tag requirement for animals vaccinated with the new RB-51 vaccine, and require that certain unvaccinated animals entering Illinois from out-of-state auction markets or marketing centers must have a brucellosis negative test within 30 days prior to

entry regardless of state or herd status. Small businesses, small municipalities, and not-for-profit corporations affected by the 5 rulemakings above include auction markets, marketing centers, live-stock dealers, livestock producers, slaughter buyers, veterinarians, horse owners, farmers, and anyone requesting related laboratory services.

Questions/requests for copies of the 5 rulemakings above: Debbie Wakefield, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/785-5713, FAX 217/785-4505.

HEALTH FACILITIES PLANNING BOARD

The HEALTH FACILITIES PLANNING BOARD announces a correction of the effective dates for 2 rulemakings adopted in the 11/15/96 *Illinois Register*. Amendments for "Narrative and Planning Policies" (77 Ill Adm Code 1100) and "Processing, Classification Policies and Review Criteria" (77 Ill Adm Code 1110) became effective 11/15/96, as certified by the agency director and filed with the Secretary of State. The Register notice page erroneously listed an effective date of 11/8/96.

Proposed Regulations

under the proposal would end three years from the effective date of a clinic's signed contract or by 6/30/2000, whichever is earlier. Small businesses, small municipalities, and not-for-profit corporations affected by this rulemaking include those owning or operating clinics eligible for transitional payments under this rulemaking.

Questions/request for copies/comments concerning the 2 rulemakings above until 2/10/97: Judy Umunna for Part 120 and Joanne Jones for Part 140 100 S. Grand Ave., 3rd Fl. Springfield IL 62762, 217/244-0081.

DMHDD SERVICES

The DEPARTMENT OF MENTAL HEALTH proposed amendments to "Recipient Rights" (59 Ill Adm Code 111) to clarify and distinguish between (1) the requirements for services to individuals who are deaf, hard-of-hearing, deaf-blind, or deafened (hearing impaired) and/or individuals who use manual/visual communications services and (2) requirements for services to individuals who are non-English or limited-English speaking. Definitions are included for communication facilitation, deaf, deaf-blind, deafened, hard-of-hearing, hearing impaired, interpreter manual or visual communication, mental health or developmental disability and deafness professionals, preferred mode of communication, State-wide coordinator, limited-

English speaker, non-English speaker and qualified staff. Topics covered include intake and admission, treatment or habilitation services, clinical records documentation, service provision and facility plan.

DMHDD also proposed amendments to "Minimum Standards for Licensure of Community Residential Alternatives" (59 Ill Adm Code 113), "Minimum Standards for Certification of Developmental Training Programs" (59 Ill Adm Code 119), and "Standards and Licensure Requirements for Community Integrated Living Arrangements" (59 Ill Adm Code 115). Effective 1/1/97, community agencies are prohibited from knowingly employing in a direct care position persons convicted of committing or attempting to commit murder, homicide, manslaughter or concealment of a homicidal death; kidnapping or child abduction; unlawful restraint or forcible detention; assault, battery or infliction of great bodily harm; sexual assault or abuse; predatory criminal sexual assault of a child, abuse or gross neglect of a long-term care facility resident; criminal neglect of an elderly or disabled person; theft or financial exploitation of an elderly or disabled person; criminal trespass; arson; unlawful use of weapons or aggravated discharge of a firearm or manufacture, or delivery or trafficking of cannabis or controlled substances. Proposed amendments to this rulemaking, however, waive this prohibition based

on "any mitigating circumstances". Mitigating circumstances may include, but are not limited to: the applicant or employee's age at the time the crime was committed; the circumstances surrounding the crime; the length of time since the conviction; criminal history of the applicant or employee since the conviction; the applicant or employee's work history; current employment references; character references; nurse aide registry records; evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently; or evidence that the applicant or employee does not pose a threat to the health or safety of residents, recipients or clients. The various types of background checks which must be made and the conditions under which they are to be made are identified. Provisions for conditional employment, termination of employment, waiver application, waiver eligibility, and the right to appeal a waiver decision are also included. Other topics covered include definitions, nurse aide registry, conditional offers, and initiation of and request for fingerprint-based UCIA criminal history record checks. This rulemaking does not apply to individuals who are licensed by DPR or DPA nor to those for whom a criminal background check is required by another State law. Private agencies that operate community residential alternatives licensed by the Department will be affected by this rulemaking.

JCAR Newsletter Subscription

The Joint Committee on Administrative Rules is updating its newsletter mailing list for "Illinois Regulation" in order to delete duplicate or obsolete subscriptions. Please indicate below whether you wish to continue receiving the newsletter, and attach your current mailing label. Please make any address or name changes directly on the mailing label. Your prompt response before September 1, 1996, is necessary for continued receipt of The Flinn Report.

-----Continue my subscription

-----Discontinue my subscription

Attach label here

-----Continue my subscription as modified on label

Return form to Joint Committee on Administrative Rules,
700 Stratton Office Bldg., Springfield, Illinois 62706

220 2/98
30396

254
011



Second Notices

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. The rulemakings will be considered at the 1/21/97 meeting.

DEPARTMENT OF REHABILITATION SERVICES

"Program Description" (89 Ill Adm Code 676) proposed 10/25/96 (20 Ill Reg 13926)

"Determination of Need (DON) and Resulting Service Cost Maximums (SCMS)" (89 Ill Adm Code 679) proposed 10/25/96 (20 Ill Reg 13922)

SECRETARY OF STATE

"Literacy Grant Program" (23 Ill Adm Code 3040) proposed 10/25/96 (20 Ill Reg 13930)

DEPARTMENT OF INSURANCE

"Electronic Filing" (50 Ill Adm Code 4405) proposed 9/20/96 (20 Ill Reg 12563)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

"Subacute Alcoholism and Substance Abuse Treatment Services" (77 Ill Adm Code 2090) proposed 9/13/96 (20 Ill Reg 14324)

OFFICE OF BANKS AND REAL ESTATE

"Real Estate Appraiser Certification" (68 Ill Adm Code 1455) proposed 9/13/96 (20 Ill Reg 12311)

DEPARTMENT OF REVENUE

"Retailers' Occupation Tax" (86 Ill Adm Code 130) proposed 11/1/96 (20 Ill Reg 14161)

"Service Occupation Tax" (86 Ill Adm Code 140) proposed 11/1/96 (20 Ill Reg 14175)

"Hotel Operators' Occupation Tax Act" (86 Ill Adm Code 480) proposed 8/30/96 (20 Ill Reg 11903)

"Salem Civic Center Retailers' Occupation Tax" (86 Ill Adm Code 690) proposed 8/30/96 (20 Ill Reg 11910)

"Salem Civic Center Service Occupation Tax" (86 Ill Adm Code 691) proposed 8/30/96 (20 Ill Reg 11918)

"Salem Civic Center Use Tax" (86 Ill Adm Code 692) proposed 8/30/96 (20 Ill Reg 11923)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

"The Administration and Operation of the Teachers' Retirement System" (80 Ill Adm Code 1650) proposed 11/8/96 (20 Ill Reg 14368)

Proposed Regulations

Questions/requests for copies/comments of the 4 rulemakings above until 2/10/97: Judith Hollenberg, DMHDD, 401 Stratton Bldg., Springfield IL 62765, 217/785-3313, FAX 217/524-8920.

DRINKING WATER

The POLLUTION CONTROL BOARD proposed amendments to rules entitled "New Activities in Setback Zone or Regulated Recharge Area" (35 Ill Adm Code 616) to change statutory citations from the *Illinois Revised Statutes* to the *Illinois Compiled Statutes*.

Questions/requests for copies/comments until 2/10/97: Dorothy Gunn, Clerk, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-6931. Comments should reference Docket R96-18.

FISHING & MUSSELING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to "Commercial Fishing and Musseling in Certain Waters of the State" (17 Ill Adm Code 830). Amendments close Mark Twain U.S. Fish and Wildlife Service National Wildlife Refuge Waters to commercial harvest of mussels from 4/15 through 8/31 and open the Ohio River and backwaters to commercial harvest of mussels from 4/15 through 9/30. Amendments specify that it is illegal to possess mussel shell more than 15 days after the close of the season without a mussel dealer license. It is unlawful to harvest mussels in the Ohio River except by crowfoot bars. Brail or crowfoot bars must be 20 feet or less in length and not more than 3 bars may be possessed in each boat. It is unlawful to tether or hold mussels in any containment device. Mussels must be taken to the boat or released each day. The size limit on mapleleaf mussels shall be not less than 2.75 inches. Also, during the mussel season, holders of commercial mussel dealers licenses and commercial mussel harvest licenses shall make monthly reports of mussel purchases in addition to the currently required harvest reports on DNR forms specifying the types and pounds of each species of mussel and/

or relic mussel shells. Mussel dealers are added to those who may be sanctioned for failure to report. Longnose Sucker, River Redhorse and Greater Redhorse fish may not be commercially harvested, and Paddlefish may be commercially harvested only in the Ohio River, in the Illinois River below Route 89, and in the Mississippi River below Lock and Dam 18. Trotlines and other hook and line devices must be checked and emptied at least every 24 hours. During open water conditions, trammel and gill nets must also be checked and emptied (attended) every 24 hours, and hoop nets and basket traps must be attended at least once every 48 hours. During ice cover conditions, trammel and gill nets must be attended at least every 96 hours, and hoop nets and basket traps must be attended at least once every 20 days. Commercial gear containing dead or moribund fish as a result of failure to check gear and empty catch shall be considered an illegal device. Small businesses affected by this rulemaking include commercial fishermen and mussel harvesters and dealers.

SPORT FISHING

DNR also proposed amendments to rules entitled "Sport Fishing Regulations for the Waters of Illinois" (17 Ill Adm Code 810) to amend the daily creel limit in streams and rivers (excluding the mainstream of the Mississippi, Ohio and Wabash Rivers) to no more than 3 smallmouth bass; require that all muskellunge and muskellunge hybrids (tiger muskie) taken must be 36 (previously 30) inches or longer in total length (except as specified under site specific regulations); and prohibit possession and/or use of living river ruffe, gobies and rusty crayfish as bait (except holders of approved aquaculture permits having a letter of authorization to import may possess rusty crayfish). The rulemaking also repeals the section on bullfrogs, and DNR states that statewide regulations on bullfrogs will be adopted in a separate Part. Powerton Lake shall be closed to boat traffic, except for legal waterfowl hunters, from 10/1 to 2/15, and shall be closed to all unauthorized entry during the waterfowl season. Other

proposed amendments to site-specific regulations affect locations in multiple counties on the Ohio River between Illinois and Kentucky; multiple counties located on the main stem of the Rock River; and sites in the following counties: Alexander, Bond, Cass, Coles, Cook, DeKalb, Edwards, Fayette, Fulton, Gallatin, Grundy, Hancock, Hardin, Jackson, Jasper, Jefferson, Jo Daviess, Kane, Kankakee, Kendall, Lake, LaSalle, Lee, McHenry, McLean, Macon, Macoupin, Marion, Marshall, Mason, Massac, Menard, Monroe, Morgan, Moultrie, Ogle, Peoria, Pope, Randolph, Saline, Schuyler, Shelby, Tazewell, Union, Vermilion, Wabash, Washington, Will, Williamson, and Winnebago. Free fishing days during which any person is permitted to fish in waters wholly or partially within jurisdiction of the State without possessing a sport fishing license, salmon stamp or inland trout stamp are set in 1997 for June 7 through 9.

Fishing tournament regulations are amended to require permits when a special exemption to the daily creel and size limits is requested for catch, hold for weigh-in, and release tournaments for muskies (all waters) or smallmouth bass (streams only - except that the Mississippi, Ohio and Wabash Rivers are not eligible for permits which exempt participants from daily catch and size limits). Requests for such permits must be made on applications provided by DNR; and the criteria for issuance or denial of such permits are amended to include such considerations as the tournament location; environmental impact; and provisions for holding, handling, and releasing caught fish. Tournament officials are required to keep a written log of daily participants available to DNR, and participants and boats must be easily identifiable from a distance. Failure of participants to acquire a permit is a petty offense resulting in denial of participation in fishing tournaments for up to 5 years.

Questions/requests for copies/comments on the 2 rulemakings above until 2/10/97: Jack Price, DNR, 524 S. 2nd St., Springfield IL 62701-1787, 217/782-1809.

Joint Committee on Administrative Rules

Senator J. Bradley Burzynski

Representative Bill W. Balthis

Senator Beverly Fawell

Representative Mary Lou Cowlshaw

Senator William O'Daniel

Representative Charles Hartke

Senator Steve Rauschenberger

Representative Phil Novak

Senator Jim Rea

Representative Tom Ryder

Senator Donne E. Trotter

Representative Larry Woolard

**Vicki Thomas
Executive Director**

PRINTED BY THE AUTHORITY OF THE STATE OF ILLINOIS - LEGISLATIVE PRINTING UNIT ORDER 14218 - 825 COPIES
COPYRIGHT 1992 - JOINT COMMITTEE ON ADMINISTRATIVE RULES - ALL RIGHTS RESERVED

**The Flinn
Report**

Illinois General Assembly

Illinois

Regulation

**Joint Committee on Administrative Rules
700 Stratton Office Bldg. Springfield IL 62706 217/785-2254**

Bulk Rate

U.S. Postage

PAID

Springfield IL

Permit NO. 870



